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ABSTRACT

This proceedings document discusses academic leadership in uncertain times, the need for a cooperative model of collective bargaining to provide administration and faculty the flexibility required to respond to changing times, who should bargain for whom and for what, readiness of the next generation to lead, and retirement issues for college faculty. Papers include: "Academic Leadership While the Sky Is Falling: A Union Perspective" (Ernst Benjamin); "The Sky Has Fallen, the Abyss Beckons: Academic Leaders Respond to Crisis in Massachusetts Public Higher Education" (Paul F. Weller); "Academic Polemics: A Leader's Response to the Critics of Academe" (Irwin H. Polishook); "Cooperative Models of Collective Bargaining and Collegial Governance: The Perspective of an Academic Senate" (Sandra Wilcox); "Mutual Gains Bargaining: Planned Institutional Change" (Maria Curro Kreppel); "The Impact of the California Community College Reform Act on Collective Bargaining" (Gwen Hill); "Faculty Empowerment in an Era of Change: The Union's Role in Implementing the California Community College Reform Act" (Diane Crow); "Relationships between Faculty and Non-Faculty Members of the Same Bargaining Units in the Illinois Public Higher Education System" (Mitchell Vogel); "Higher Education Leadership in the Year 2000" (Clark Kerr); "Developing Faculty Union Leaders" (Mark Blum); and "Retirement Issues for College and University Faculty" (Hans Jenny). (References accompany some papers.) (JDD)

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COLLECTIVE BARGAINING IN HIGHER EDUCATION: LEADERSHIP IN UNCERTAIN TIMES

Proceedings
Nineteenth Annual Conference
March 1991

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National Center for the Study of Collective
Bargaining in Higher Education and the
Professions -- Baruch College, CUNY

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INTRODUCTION

In an uncertain economy, leaders in many segments of society are called upon to change direction from the traditional goals of organizational growth and program improvement to developing and implementing plans to maintain the *status quo* and, indeed, in some cases, to maintain the vitality of their institutions in times that challenge their very existence. The academy is no different. When the beginning of the nineteen-nineties promised no ready solution to the economic downturn that began in the late nineteen-eighties, the NCSCBHEP National and Faculty Advisory Committees recognized that challenges that were different from those of the preceding decade were likely to confront academic leaders perhaps throughout the current decade. In planning the Nineteenth Annual Conference, we decided to put together a forum for discussion of critical economic and societal factors impacting on higher education and to examine the preparedness of academic leaders to respond.

DESIGN OF THE CONFERENCE

The central theme of the Conference -- academic leadership in uncertain times -- was addressed by three speakers. Ernst Benjamin, General Secretary of the American Association of University Professors, cautioned academic leaders to avoid ready-made responses of program cuts and staff reductions to offset the weak economy. Benjamin stated that academic administrations have a responsibility to curtail administrative costs before upsetting the traditional values of higher education -- faculty tenure and professional standards of instruction. Benjamin encouraged administrators and faculty to cooperate to find methods of maintaining prevailing standards in the academy, while, at the same time, cutting costs. Paul F. Weller, President of Framingham State College of the Massachusetts State public higher education system, demonstrated how the innovative response of college administrators -- that of walking the battlefield with the rank and file -- rallied public support for the funding of public institutions of higher education, institutions that depend on their state legislatures for their existence. Irwin Polishook, President of the Professional Staff Congress, CUNY, commented on the emerging polemic against higher education. Polishook pointed out that the authors of such diatribes are quick to criticize, but slow to offer solutions to improving higher education. He reminded the academy -- especially publicly funded institutions -- of its mission to keep open its doors not only to a privileged few, but to all who seek to better themselves through education. Polishook suggested that the academy examine its infrastructure and question whether or not current administrative policies and academic programs respond to the needs of the changing demographics of its students.

A second theme of the Conference was a discussion of the need for a cooperative model of collective bargaining to replace the adversarial model as a means of providing administration and faculty the flexibility required to respond to changing times. Maria Curro Kreppel, Vice Provost at the University of Cincinnati, discussed the University of

Cincinnati's experience with a cooperative model of collective bargaining. Kreppel emphasized that, for such a bargaining method to be successful, there is a need for bargaining representatives for both sides to train their teams in the new method of bargaining, to plan their strategies in accordance with the new method, and to keep those they represent well-informed of progress at each phase of the training, planning and bargaining processes. Elizabeth Sato, Executive Secretary of the American Association of University Professors at the University of Cincinnati, and a member of the AAUP bargaining team that participated in the first cooperative model of collective bargaining at the University of Cincinnati, discussed challenges to innovative bargaining that came from the AAUP membership. Sato, like Kreppel, stressed that successful cooperative negotiations depend, in large part, upon imparting to all concerned parties a thorough understanding of the process and of keeping them informed at all stages of the negotiation.

A sub-theme of discussions on new approaches to collective bargaining was the role of the faculty senate -- the traditional governance body of the academy -- in the collective bargaining process. Caesar Naples, Vice Chancellor for Faculty and Staff Relations at The California State University, commented that he found no inherent conflict in the faculty senate's representing the faculty in traditional governance matters such as professional development, with the faculty union continuing to bargain for basic working conditions such as salary and medical benefits. Naples suggested, however, that inclusion of faculty senate representatives in the collective bargaining process would narrow any gaps in understanding between the senate and the union in areas of overlapping concern, i.e., areas in which basic working conditions may also impact professional responsibility, and that a one-step process may expedite the resolution of issues of legitimate concern to both the faculty senate and the union. Sandra Wilcox, Chair of the Academic Senate at The California State University, outlined the CSU Academic Senate's view of its responsibilities, one being to cooperate with the union in areas in which the responsibilities of the senate and the union are determined to overlap.

Regarding the issue of who should bargain for whom and for what, Thomas M. Mannix, Associate Vice Chancellor for Employee Relations and Personnel at the State University of New York; LaVerne Diggs, Director of Human Resources at San Jose State University; and Mitchell Vogel, President of the University Professionals of Illinois, discussed the challenges and rewards of faculty unions assuming responsibility for bargaining for non-teaching, and in some cases, for non-professional staff at their colleges and universities.

Returning to the central focus of academic leadership in uncertain times, luncheon speaker Clark Kerr, President Emeritus, University of California, provided historical, current and prospective accounts of the role of leadership in institutions of higher education. President Emeritus Kerr assessed the changing role of the college or university president from one of intellectual and moral leader to one of business manager and arbiter, sometimes at best mediator, of the concerns of diverse interest groups on campus. While faculty unions do not enjoy the same historical perspective as college presidencies, they nonetheless, have developed sufficient experience in three decades of bargaining to evaluate their leadership needs. Mark Blum, Associate Director of Collective Bargaining for the American Association of University Professors; and Christine Maitland, Coordinator of Higher Education Services for the National Education Association, presented models for training new leaders for faculty unions. Interestingly, it is not the economy of the times that has resulted in the issue of developing new leadership for faculty unions, but almost the opposite -- that new faculty have little awareness of conditions that resulted in the need for a collective bargaining representative on campus and are, therefore, less eager to assume a union leadership role than were their predecessors.

Gwen Hill, President of the American Federation of Teachers, College Guild Local of the Los Angeles, California Community College District; and Diane Crow, Executive Director of the Community College Association, California Teachers Association/National Education Association, discussed the strengths and weaknesses of the California Community College Reform Act, and the role of community college faculty unions in the passage and implementation of the Act, the purpose of which is to establish community college governance and collective bargaining processes more similar to the four-year college design than to the previous K-12 model.

Technical sessions at the Conference were focused on issues of faculty compensation and benefits relative to the changed economy. Productivity issues were tied to compensation, in light of the emphasis that Conference participants placed on the need for a cooperative bargaining relationship between administration and faculty to replace the previous adversarial roles of the parties.

THE PROGRAM

Set forth below is the program of the Nineteenth Annual Conference which lists the topics and speakers included in this volume of the Proceedings. Some editorial liberty was taken with respect to format and background material in order to ensure readability and consistency.

MONDAY MORNING, MARCH 14, 1991

WELCOME
Rev. John J. Lo Schiavo, President
University of San Francisco

COLLECTIVE BARGAINING UPDATE: 1990

Joel M. Douglas, Assoc. Prof.
Pub. Admin., Dir., NCSCBHEP
Baruch College, CUNY

KEYNOTE - UNDERSTANDING LEADERSHIP BEHAVIOR: STYLES, STRESS AND EFFECTIVENESS ON THE FRONT LINES

Speaker: Fred E. Fiedler, Professor
Psychology, Univ. of Washington

Moderator: Frederick Lane, Professor
Pub. Admin., Baruch College, CUNY

PLENARY SESSION "A' - LEADERSHIP: INSTITUTIONAL ISSUES - LEADERSHIP WHILE THE SKY IS FALLING

Speakers:

AAUP: Ernst Benjamin
General Secretary, AAUP

State: Patrick Callan, Sr. Consultant
Educ. Commission of the States

Faculty: Jack H. Schuster, Prof.
Education and Public Policy
Claremont Graduate School

President: Paul Weller, President
Framingham State College

Moderator: Greg Kramp, Dir., Personnel Programs
President's Office, UC-Berkeley

LUNCHEON - HIGHER EDUCATION LEADERSHIP IN THE YEAR 2000

Speaker: Clark Kerr, President Emeritus
University of California

Presiding: Joyce F. Brown, Acting President
Baruch College, CUNY

GROUP I - COOPERATIVE MODELS COLLECTIVE BARGAINING AND COLLEGIAL GOVERNANCE: A USEFUL AND CONSTRUCTIVE PARTNERSHIP

Speakers: Caesar J. Naples, Vice Chancellor
Faculty and Staff Relations, CSU

Patrick Nichelson, President
California Faculty Association

Sandra Wilcox, Chair
Statewide Academic Senate, CSU

William D. Campbell, Chairman
Board of Trustees, CSU

Moderator: Melvin Dubnick, Professor
Pub. Admin., Baruch College, CUNY

GROUP II - LEADERSHIP: IN COMMUNITY COLLEGE COLLECTIVE BARGAINING

Speakers:	Diane Crow, Exec. Director Comm. College Assn., CTA/NEA
	Gwen Hill, Pres., AFT Coll. Guild L.A. Comm. Coll. District
Reactor:	Joshua Smith, Professor Education, Baruch College, CUNY
Moderator:	Alan Heineman, President AFT Chapter, USF

TECHNICAL SESSIONS

TECH A: RETIREMENT

Speaker:	Hans Jenny, Former Chair Standing Committee on Retirement for NACUBO

TECH B: COMPENSATION AND PRODUCTIVITY

Speaker:	Allison Davis Blake, Prof. Management, Univ. of Texas

TECH C: EMPLOYEE ASSISTANCE PROGRAMS/WELLNESS

Speaker:	John Dillon Riley, Director E.A.P., Chevron Corporation
Tech Moderator:	Esther Liebert, Dir. of Personnel Baruch College, CUNY

FRIDAY MORNING, MARCH 15, 1991

PLENARY SESSION "B" - CAMPUS BARGAINING AND THE LAW: THE ANNUAL UPDATE

Speaker:	William J. Neff, Asst. Vice Chancellor for Labor Relations, UC-San Francisco
Moderator:	Laurence P. Corbett, Arbitrator Oakland, California

GROUP A - COOPERATIVE MODEL II UNIVERSITY OF CINCINNATI

Speakers:	Betsy Sato, Exec. Secretary Univ. of Cincinnati, AAUP
	Maria Kreppel, Vice Provost University of Cincinnati
Moderator:	Thomas E. Matteoli, Director Labor Relations, USF

GROUP B - UNION LEADERSHIP: TRAINING THE NEXT GENERATION

Speakers: Mark Blum, Associate Director
Collective Bargaining, AAUP

Christine Maitland, Coordinator
Higher Education Services, NEA

Perry Robinson, Director
College and University Dept., AFT

Moderator: Magdalena Jacobsen, Director of Employee Relations, Mayor's Office, City of San Francisco

GROUP A - BARGAINING FOR THE "OTHERS": NON-TENURE TRACK FACULTY, SUPPORT STAFF AND CLERICALS

Speakers: Thomas Mannix, Associate Vice Chancellor
State University of New York

LaVerne Diggs, Director Human Resources
San Jose State University

Mitchell Vogel, President
University Professions of Illinois, AFT

GROUP B - COOPERATIVE MODEL III CHEMEKETA COMMUNITY COLLEGE

Speakers: Robert Dahlman, Comm. College Consultant
Oregon Education Association

Jerry Steiner, Dir. of Employee Relations
Chemeketa Community College

Moderator: Arnold Cantor, Executive Director
Professional Staff Congress, CUNY

LUNCHEON - LEADERS RESPONSE TO THE CRITICS OF ACADEME

Speakers: Neil S. Bucklew, President
West Virginia University

Irwin Polishook, President
Professional Staff Congress, CUNY

Presiding: Daniel J. Julius, Assoc. Vice President, Academic Affairs; Dir., National Center Employment Studies, USF

SUMMATION AND ADJOURNMENT

A WORD ABOUT THE NATIONAL CENTER

The National Center is an impartial, nonprofit educational institution serving as a clearinghouse and forum for those engaged in collective bargaining (and the related processes of grievance administration and arbitration) in colleges and universities. Operating on the campus of Baruch College, The City University of New York, it addresses its research to scholars and practitioners in the field. Membership consists of institutions and individuals from all regions of the U.S. and Canada. Activities are financed primarily by membership, conference and workshop fees, foundation grants, and income from various services and publications made available to members and the public.

Among the activities are:

- An annual Spring Conference
- Publication of the Proceedings of the Annual Conference, containing texts of all major papers.
- Issuance of an annual Directory of Faculty Contracts and Bargaining Agents in Institutions of Higher Education.
- The National Center Newsletter, issued four times a year providing in-depth analysis of trends, current developments, major decisions of courts and regulatory bodies, updates of contract negotiations and selection of bargaining agents, reviews and listings of publications in the field.
- Monographs -- complete coverage of a major problem or area, sometimes of book length.
- Elias Libeberman Higher Education Contract Library maintained by the National Center, containing more than 350 college and university collective bargaining agreements, important books and relevant research reports.

ACKNOWLEDGEMENTS

We would like to acknowledge the Center's National and Faculty Advisory Committees for their support and cooperation in the planning of the Nineteenth Annual Conference of the

National Center. A special thank you should be extended to Joel M. Douglas, Director of the National Center who was responsible for the entire conference, and to our host, the University of San Francisco.

Joan A. Gibbons
Editor

Beth H. Johnson
Associate Editor

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I. ACADEMIC LEADERSHIP – CHALLENGE AND RESPONSE

A. **Academic Leadership While the Sky is Falling: A Union Perspective**

B. **The Sky Has Fallen, the Abyss Beckons: Academic Leaders Respond to Crises in Massachusetts Public Higher Education**

C. **Academic Polemics: A Leader's Response to the Critics of Academe**

ACADEMIC LEADERSHIP – CHALLENGE AND RESPONSE

A. ACADEMIC LEADERSHIP WHILE THE SKY IS FALLING: A UNION PERSPECTIVE

Ernst Benjamin
General Secretary
American Association of University Professors

When someone shouts "the sky is falling," do not look to the sky, but to the possible method in their madness. For example, in 1983, George Keller began his account of "the management revolution in American higher education" with an ominous paraphrase of Marx:

> A specter is haunting higher education: the specter of decline and bankruptcy. Experts predict that between 10 percent and 30 percent of America's 3100 colleges and universities will close their doors or merge with other institutions by 1995.[1]

It would be easy to dismiss this rhetoric as alarmist with the observation that there are now some 3300 to 3400 colleges and universities. Professor Keller's line of argument, however, requires more careful scrutiny as we struggle with yet another episode of recession and retrenchment.

In the specter of financial constraint, Professor Keller finds the opportunity "to spell the end of the traditional, unobtrusive style of organizational leadership on campuses." Citing Robert Behn, Keller proclaims that the "manager's style of leadership must be active and intrusive." And, again paraphrasing Marx's Manifesto, he concludes: "Fortunately, the process has begun."[2] Few faculty members would challenge the observation that intrusive management is upon us, but most would join me in questioning whether intrusive management is the solution for our recurrent financial difficulties.

Identifying the correct solution depends, of course, on careful diagnosis of the problem. In my view, institutions face a sudden, singular financial catastrophe which might require them to jettison established policies and procedures. Rather, higher education has suffered, since the early 1970s, a periodic recurrence of financial and fiscal difficulties which have diminished academic, and especially instructional, resources. Is the growth of intrusive management a remedy? Or, is it better understood as part of the problem?

In the remarks that follow, I will explain why academic programs are better protected from the consequences of financial and fiscal constraints by adherence to prevailing academic practice than by managerial innovation. Then, I will present evidence which suggests that the shift toward increased managerial authority is associated with diminished resources for instruction and acquiescence in declining public support. Finally, I will discuss some possible policies on which faculty and administration might cooperate both to mitigate internal financial strains with less damage to academic quality and to respond more effectively to external constituencies.

I

The policies of the American Association of University Professors (AAUP) prohibit institutional adaptation to temporary financial or enrollment declines through the dismissal or "layoff" of faculty during the terms of their appointments. The policies permit financial dismissals only where there is a bona fide financial exigency;" that is, "an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means." In the absence of a financial exigency, faculty may not be dismissed merely to reduce a program, but only to eliminate a department or program on academic grounds. These grounds "do not include cyclical or temporary variations in enrollment. They must reflect long-range judgments that the mission of the institution as a whole will be enhanced by the discontinuance."[3] These are severe standards and their accompanying procedures seem, to many administrators and some faculty, unduly cumbersome obstacles to the resolution of pressing and serious problems.

We should resist the temptation to formulate this objection in a fashion that answers itself: "Why not throw a few people over the side to lighten the lifeboat in the storm?" In fact, "layoffs" and program elimination are not unusual means to balance organizational budgets, even for non-academic university employees, and it is not unreasonable to query the premise and purposes of AAUP policy. The following remarks provide a necessarily brief response.

The premise for AAUP financial exigency policy is tenure, which is itself premised on two social goods: academic freedom and "a sufficient degree of economic security to make the profession attractive to men and women of ability." Academic freedom is essential to sound scholarship, truthful teaching, and dispassionate judgment. Contrary to frequent supposition, academic freedom is required for all and not merely a few particularly innovative faculty or exceptional institutions.

Those who wish faculty to respond primarily to local teaching or research needs should recognize that insecure faculty necessarily direct their efforts toward national or non-academic market opportunities which detract from their attention to local needs. Consider, for example, the numerous school teachers who have left the profession to avoid layoffs or bureaucratic program management. Conversely, faculty unprotected from local prejudice are unable to provide an education that equips students for employment with nationally competitive firms or attracts firms to the community that are dependent on educated personnel. Moreover, institutions with limited financial resources generally have difficulty offering competitive compensation and the erosion of tenure further diminishes an institution's ability to attract or retain the best faculty it might otherwise employ.

Protection of tenure requires a stringent definition of financial exigency and demanding procedures for consequent dismissals. Of course, it might be advantageous to ameliorate economic, enrollment or budgetary cycles by dismissing a few low-priority faculty rather than underfunding high-priority programs. But, routine layoffs would render tenure, and the lengthy probationary evaluation that precedes it, meaningless. Substitution of a less stringent definition of financial exigency or program discontinuance to achieve a short-term economic or curricular benefit would diminish the value of tenure both to academic freedom and to academic careers. It is these institutional and societal benefits of the tenure system, not simply the protection of individual positions, which outweigh the possible advantages of greater flexibility.

The AAUP believes that appropriate protection of tenure requires faculty participation in the decision to terminate faculty appointments for financial or program reasons. Faculty concurrence in a financial exigency decision provides reassurance that the exigency is recognized as genuine and could not be alleviated by less drastic means than dismissal. In the case of program termination, faculty participation provides the expertise essential to academic judgment and increases the likelihood that the decision will not result from financial expediency but from consideration of the long-term academic mission.

Academic integrity depends on sound academic judgment and not on the managerial right to dismiss less desired faculty to preserve high-priority programs. Not only does this managerial approach fail to recognize the value of preserving the tenure system, but it discourages that faculty cooperation which is essential in formulating sound academic decisions regarding program priorities and retrenchment. The preservation of academic integrity also entails the protection of individual rights. Faculty designated for dismissal should have the opportunity to challenge the proposed action in a hearing before a faculty committee. The administration should make every effort to place affected faculty in alternative "suitable positions" and should provide appropriate notice or terminal salary.

These policies safeguard institutional integrity as well as individual rights. A hearing in which the administration carries the burden of proof can dispel claims that considerations violative of academic freedom have influenced the decision. Similarly, the right to recall or a "suitable position," as well as the policy that the institution not create new positions while dismissing the occupants of existing ones, lend credence to the claim that retrenchment is not a disguised effort to single out "undesirable" faculty members.

Administrators have often proclaimed that tenure decisions must reflect standards appropriate to "a million dollar decision." Why, then, should the institution be accountable for less than the full value that institutions themselves place on tenure? The AAUP's recommended policies and procedures are intended to discourage arbitrary or casual reliance on dismissal or layoffs but not to prevent those dismissals and program changes essential to the survival or long-term mission of the institution. In sum, the AAUP policies briefly described here afford reasonable protection to the individual, to the institution, and to tenure and academic freedom. They are not policies which impede sound academic administration but policies which ensure that administration is, in fact, academically sound.

II

Although AAUP policy has contributed substantially to the preservation of core faculty and programs despite recurrent fiscal and economic difficulties, it is unfortunately also true that AAUP policy has not prevented noticeable erosion of faculty and program quality. This erosion proceeds from the general decline in public financial support for student aid and academic funding relative to the growth of academic programs and costs which underlies the cyclic fiscal difficulties.

Since 1970, federal fiscal policy has repeatedly shifted resources from the public to the private sector through both tax and expenditure reallocations. Indeed, instead of countering recession with government expenditure, fiscal policy has employed recession as a means to lower real income and consumption to hold down inflation and to preserve international markets. Moreover, the cuts in real wages and curtailments of government services have fueled the tax revolt which leads to further cuts in services. This downward spiral has meant that temporary program adaptations to meet budgetary shortfalls often have been institutionalized. This has resulted in serious system-wide impairment of the quality of undergraduate education.

This erosion of undergraduate education has been best described as a loss of "involvement in learning."[4] The decline is not, as commonly alleged, primarily due to problems in teaching and curriculum, for neither have changed significantly in the last twenty years. What has changed is the fundamental structure of student and faculty participation in the educational process. It is generally understood that institutions and classes have grown larger. What is far less well known or understood is the extent to which student and faculty participation in learning has been diminished by qualitative changes in our system of higher education.

Two interrelated changes stand out: first, the vast increase in part-time participation by both faculty and students and, second, the substantial and disproportionate growth of community colleges. Between 1970 and 1983, the ratio of full-time to part-time faculty declined from 3.55:1 to 1.85:1. More simply stated, 22 percent of faculty held part-time positions in 1970, 34 percent in 1979, and 38 percent in 1987. Between 1970 and 1985, the ratio of full-time to part-time students declined from 2.10:1 to 1.37:1; 32 percent of all students were part-time in 1970, and 42 percent were part-time in 1985. Much of this growth in part-time education has occurred in the community colleges where more than half of the students and faculty participate on a part-time basis. Between 1966 and 1985 community college enrollment increased 300 percent, while four year enrollment increased only 50 percent.[5] By 1985, 37 percent of all students in higher education and 51 percent of first-time, first-year students attended community colleges.[6] The increase in part-time faculty, at a time when full-time candidates were plentiful, was the result, not of changing program needs, but of cost-saving in compensation and the administrative desire for flexibility to adapt to fiscal and enrollment difficulties. The increase in part-time students reflects the failure of student aid and family income to keep pace with educational costs and the consequent need for students to rely on their own employment. The growth in community college enrollments reflects their relatively low tuition, the need of many students to gain employment skills in a brief time, and the need of students to remain at home to lower costs and increase work opportunities.

Similar changes are manifest in many regional public four-year schools, as well as those many urban independent colleges that have found a market in adult education as their college age clientele has sought less expensive public education. Even the "flagship" public universities have increasingly relied on graduate assistants or non-tenure track instructors for undergraduate instruction. Indeed, the reliance on teaching assistants at major universities is the one fact in this discouraging compendium which has attracted public attention and concern. It is this reliance on teaching assistants to protect research opportunities and graduate instruction which underlies the common perception that the quality of undergraduate instruction has diminished due to the faculty's preoccupation with research.

The systemic basis for the decline in involvement in learning is substantially revealed in Table I. Expenditure per student, and especially expenditure per student for instruction, is least at the rapidly expanding community colleges and greatest -- even for instruction -- at universities. The independent universities outspend their public counterparts by more than 50 percent overall and, more significantly, for instruction. Moreover, the independent universities and four-year schools increased their expenditures per student more than the public institutions. Indeed, the independent institutions managed to increase their instructional expenditures more than their public counterparts despite the massive increases in allocations for financial aid and student recruitment required to cope with the growing inadequacy of federal aid and the widespread decline in real family income.

Public universities and four-year schools did, as the table shows, disproportionately increase their research expenditures. But public universities spend about 64 percent as much per student as independent universities overall

TABLE ONE

TOTAL and SELECTED EXPENDITURES PER FTE STUDENT 1976-77 and 1985-86 FOR PUBLIC and INDEPENDENT INSTITUTION IN CONSTANT 1985-86 DOLLARS

TYPE OF INSTITUTION YEAR and % CHANGE	TOTAL		INSTRUCTION		ADMINISTRATION		RESEARCH		LIBRARIES		SCHOLARSHIPS/FELLOWSHIPS	
UNIVERSITY:	Public	Ind.	Public	Ind.	Public	Ind.	Public	Ind.	Public	Ind.	Public	Ind.
1976-77	$ 9,944	$15,394	$ 3,877	$ 5,853	$ 1,658	$ 2,552	$ 1,825	$ 3,242	$ 350	$ 640	$ 399	$ 1,249
1985-86	$11,320	$18,779	$ 4,206	$ 7,093	$ 1,991	$ 3,539	$ 2,227	$ 3,471	$ 366	$ 655	$ 426	$ 1,713
% CHANGE	14.0%	22.0%	10.0%	21.0%	20.0%	39.0%	22.0%	7.0%	4.0%	2.0%	7.0%	37.0%
OTHER FOUR YEAR:												
1976-77	$ 7,251	$ 7,589	$ 3,363	$ 2,834	$ 1,626	$ 2,110	$ 507	$ 383	$ 284	$ 297	$ 283	$ 756
1985-86	$ 8,243	$ 9,130	$ 3,713	$ 3,201	$ 2,031	$ 2,740	$ 672	$ 443	$ 296	$ 317	$ 237	$ 1,053
% CHANGE	14.0%	20.0%	10.0%	13.0%	25.0%	30.0%	32.0%	15.0%	4.0%	7.0%	-16.0%	39.0%
TWO YEAR:												
1976-77	$ 3,908	$ 4,790	$ 1,996	$ 1,693	$ 1,036	$ 1,679	$ 13	$ 21	$ 137	$ 162	$ 114	$ 366
1985-86	$ 4,223	$ 5,272	$ 2,107	$ 1,792	$ 1,253	$ 2,046	$ 4	$ 1	$ 122	$ 140	$ 93	$ 487
% CHANGE	8.0%	10.0%	6.0%	6.0%	21.0%	22.0%	-77.0%	-96.0%	-11.0%	-13.0%	-9.0%	33.0%

Source: Based on data derived from U.S. Department of Education, Office of Education Research and Improvement, Higher Education Administrative Costs: Continuing the Study, by Thomas P. Snyder and Eva C. Galambos (Washington, D.C.: Government Printing Office, January 1988), pp.18-23

Table Prepared by: E.B. February 1991

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(setting aside student aid) and about the same 64 percent as much per student for research. Of course, the majority of students attend community colleges and four-year colleges in which research expenditure is relatively insignificant. In the community colleges, which have experienced the greatest enrollment increases, research expenditures declined to less than one-tenth of one percent of overall expenditures per student.

The independent colleges and universities have funded their relatively greater expenditures by larger tuition increases. The readiness of those who can afford these tuitions to pay them is the best evidence a market economy provides of a significant difference in the perceived quality of the product. Similarly, the increasingly disproportionate enrollment of minority and economically disadvantaged students at community colleges suggests this choice is more often necessitated by lack of opportunity than perceived quality. A powerful example of the gap in performance between public and independent universities may be found in graduation data compiled by The Chronicle of Higher Education: of students entering college in 1984, 71 percent of the independent college students had graduated by August 1989 compared to only 43 percent of the public college students.[7]

Standing between the students who can afford the higher priced colleges and those limited to the community colleges are those middle income student who substitute state universities for independent colleges because the latter have become too expensive with the decline of real earnings and student aid. These students go to large state universities where they and their parents are disappointed to find large classes, excessive reliance on teaching assistants or part-time faculty, and fellow students whose increasing employment diminishes their contribution to the academic community. The complaints of these students and parents are probably the key to the public complaints regarding excessive tuitions and inadequate teaching.

The decision to meet budgetary shortfalls by relying on part-time or temporary faculty and recruiting part-time students represents academic management's effort to accommodate budgetary constraints without eliminating core programs or faculty. Tenure track faculty have acquiesced in the excessive use of temporary positions to protect regular positions and salaries. Faculty have been more resistant to, but have reluctantly accepted, lower admission standards and lower levels of student involvement in their academic programs. Administrators and faculty in established or aspiring research universities have accepted instructional compromises in order to protect research opportunities. Though it is only fair to acknowledge such faculty complicity, accurate diagnosis requires recognition of administrative predominance in establishing this pattern of response to fiscal constraint.

It is precisely this management predominance in difficult times which George Keller discerns and advocates, quoting a previous work on The Managerial Revolution in Higher Education by Rourke and Brooks:[8]

> Periods of growth and affluence appear more likely to leave decision-making power in the hands of academic officials and to invite widespread decentralization of expenditure. Periods of serious scarcity . . . tend to give more power to financial officials and to push a university toward centralized decision making.

One strong indication of this growing management predominance and the solution to which it leads is provided by Table I, which shows that administrative expenditures at all types of institutions increased at two to three times the rate of instructional expenditures between 1976-77 and 1985-86. Public community colleges, which experienced the most enrollment growth, increased administrative expenditures at three and one-half times the rate of instructional expenditures. Similarly, Jay Halfond reports that since 1975 higher education enrollments increased 10 percent, full-time faculty 6 percent, and administrative positions 45 percent.[9]

There is growing appreciation of the need to recognize and reverse the excessive growth in administrative expenditure.[10] There is even more widespread recognition of the need for renewed emphasis on undergraduate education. Prior to the current fiscal crunch, several major state universities had begun significant efforts. Unfortunately, there is also a good deal of symbolic and academically questionable program cutting focused on liberal arts and teacher preparation. This is sometimes advocated on the grounds that such program cuts are preferable to across-the-board reductions. But, in practice, these cuts effect relatively slight savings at great cost to student and faculty morale. Cooperation between administration and faculty should be better motivated and better directed.

III

There are no entirely satisfactory institutional solutions to recurrent fiscal constraint. Faculty and administration can, however, cooperate to minimize damage to core academic programs. For the reasons discussed in Section I, this cooperation should be predicated on the protection of professional standards and academic judgment. If this is to be accomplished without continued erosion of undergraduate instruction, it also requires a reallocation of instructional resources and full-time faculty effort toward undergraduate and, especially, lower division instruction.

To the extent that such reallocation is limited by problems of curriculum and scheduling, institutions may have to cap the enrollment of under-prepared students. But, we have devoted remarkably little effort to finding ways to provide smaller classes with senior faculty to less prepared students and larger classes to more advanced and self-directed students. For example, we could shift some large class general education requirements to the upper division where students might be better prepared to understand and appreciate courses in the history of the arts and sciences. Certainly, the resources increasingly devoted to assessing undergraduate learning could often be better employed to improve undergraduate learning.[11]

We will not improve teaching by increasing teaching loads or diminishing the commitment to scholarship. Community colleges already subject half of all new first year students to this solution. There are good community colleges and faculties who may provide a better basic education than many classes offered in some "multiversities." But, the consumer choices of financially able and educationally knowledgeable students and parents, as well as the disappointing completion and transfer rates at community colleges, confirm what we all know: full-time faculty teaching four to six courses per term and part-time faculty with multiple jobs cannot do the quality of course preparation and provide the attention to student learning that undergraduate education requires.

We may, however, do well to broaden our understanding of scholarship and research. There is growing recognition that research evaluation frequently over-emphasizes the quantity of technical publications to the detriment of disciplinary quality and intellectual breadth. But, the growing reaction against excessive emphasis on research, even among faculty of whom two-thirds are now prepared to base promotion simply on teaching, endangers the foundation of teaching in scholarship on which genuine higher education and the academic profession necessarily depends.[12] Growing managerial encouragement of, and even insistence upon, faculty entrepreneurship and revenue-enhancing applied research heighten the problem by diminishing both teaching and scholarship.

We need rather to revise personnel evaluation procedures to encourage teaching grounded in up-to-date scholarship. Better and more effective teaching evaluation is possible.[13] Appraisals of scholarship can be broadened to increase the emphasis on the quality of scholarly understanding relative to the quantity of routine publication. Appropriate changes in institutional policies and procedures, including collective agreements, are necessary but insufficient. Effective change in performance standards also requires a change in faculty recruitment practices to enhance the market value of teaching. Increased emphasis on the quality of teaching and scholarship in inter-institutional recruitment would substantially increase this emphasis in intra-institutional performance. This would permit some increase in teaching time and encourage improved teaching performance.

Nonetheless, no institutional solution is adequate. The focus on institutional solutions is part of the problem. The effort to find a solution within the means of the institution encourages managerialism and acquiescence in declining public support. Faculty and administration should cooperate to reassert the primacy and legitimacy of academic values in meeting academic responsibilities. The faculty instinct to resist expanded student access unaccompanied by expanded resources sufficient to educate less well prepared students is academically valid. It may be politically valid and viable if integrated with cooperative efforts both to improve undergraduate instruction and to encourage sound public policies and finance.

Because student aid was heretofore largely a responsibility of the federal government, it has received inadequate campus attention. As states have had to absorb, directly or indirectly, the decline in federal grant aid, direct state support for higher education has been correspondingly diminished in value. Faculty and campus administrators need to look beyond state aid for campuses and students toward restoring and increasing federal student grant aid. Inadequate student aid is a major factor in excessive student employment and the disproportionate growth of community colleges. It also accounts for the under enrollment of qualified students. Coalition efforts to secure adequate student aid can unite faculty and administration with the community around the theme of access with quality.

The principle obstacle to such cooperation is the tax revolt. This results, in part, from the decline in real wage incomes. But, it is also a product of the decline in middle income government benefits such as student aid, the shift of fiscal responsibilities and taxes from the federal to the state level, and the increasing reliance on increasingly regressive taxes -- especially, general sales and property taxes at the state level and the social security tax and "simplified" income tax at the federal level. Reestablishment of a progressive federal income tax is essential to any long-term solution to educational funding and the assurance of the educated work force everyone says we need but no one seems willing to pay for. Academic leaders must find ways to transform the tax debate from one involving tax increases to one of establishing a fair system of meeting our academic and other societal obligations.

Finally, we in the academy know that the future quality of higher education is genuinely in doubt. There is little reason to fear for the future of our best universities and colleges or of our best students. But there is great reason to fear that the overall system will continue the pattern of erosion I have described above. Moreover, the slow decline will accelerate sharply if we are unable to maintain the quality of the profession as we replace perhaps, half the faculty in the next fifteen years.

The notion that scarcity will increase compensation and attract able recruits will not withstand analysis in a time when fiscal stringency threatens not only the compensation but the professional fulfillment of a faculty career to all but a few. We are already seeing a sharp increase in compensation at the best independent universities compared to either the best public or less well funded independent institutions. Institutional solutions to budgetary problems which reduce the attractiveness of the academic profession are ultimately self-defeating. Academic leaders, both faculty and administrators, need to cooperate to secure the public support essential to fulfilling our educational responsibilities.

ENDNOTES

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ACADEMIC LEADERSHIP – CHALLENGE AND RESPONSE

B. THE SKY HAS FALLEN, THE ABYSS BECKONS: ACADEMIC LEADERS RESPOND TO CRISIS IN MASSACHUSETTS PUBLIC HIGHER EDUCATION

Paul F. Weller
President
Framingham State College

HOW HAD WE COME TO THIS?

How had we come to this? How many times had I asked myself that question during the last three years? How could public higher education in the Commonwealth of Massachusetts have come to this?

The depth and severity of the difficulties faced by public higher education in Massachusetts are illustrated and summarized by the following three brief examples.

A new governor, William Weld, seems determined to close four or five of the existing 29 campuses of the State System. On February 21, 1991, the Boston Globe reported that the Governor's special assistant had asserted, "We aren't considering the (public higher) education system we have out there as wonderful. We're not buying into the idea that it's so great .... We have made no decision on which campuses would be targeted (for closure). We think there's a lot of duplication and inefficiency."

Such a destructive stance and proposal from a new Governor is particularly hard to understand, and it has devastating effects on the State campuses when combined with the past three years of continuous fiscal crisis in Massachusetts. The State support budget for the higher education system has fallen from approximately $760 million, 7 percent of the State budget in 1988, to approximately $520 million, about 4 percent of the State budget in 1991. The difference represents a cut of 30 percent, while the overall State budget increased by about 20 percent. Still, the Boston Herald editorial of January 7, 1991, entitled, "In Cutting State Spending, Target the State Colleges," continued the seemingly relentless attack: "Fat, lumbering, expensive to feed, one of the most sacred cows in Massachusetts is the state-subsidized network of colleges and universities .... If Governor Weld is in earnest about reducing government spending ...let him take a pair of pruning shears to the overgrown ivy choking the state's budget. In the land-grant states of the Midwest and West, it may have required taxpayer dollars to promote excellence in higher education. That was never the case in Massachusetts .... Where is the need for Framingham State College or the University of Lowell or Middlesex Community College? ... Do Massachusetts taxpayers really need to maintain the costly glut of state-supported schools?"

To add to these problems, the political leaders of the Commonwealth, executive as well as legislative, current and most recent, seem committed to continued cuts for public higher education. There is further support for cuts from several taxpayer organizations, from business organizations, from most media sources, and, even, from many of the numerous high technology firms (Where were they to get their highly educated employees, I worried?). I wondered, and still wonder, if the people of Massachusetts have reached a similar conclusion?

How had we come to this? For my entire professional career, my entire life, even, I had admired public higher education. It was important. It had a critical mission, a public mission. It served "the people." Those of us working in public higher education thought we were making an important, even necessary, contribution to students, to the state, to our children, and our future. We thought that we were doing something that society supported, even if it might require paying more taxes. We thought we were doing something that businesses needed, something that was important to the economy of our communities, and the state. We thought we were developing and educating many of those individuals most in need in our society, providing a chance for them to succeed, not only for their benefit, but also for all of us, for our society and the common good. We thought that public higher education was special -- that it served a noble mission.

So, what happened, you ask, and why? What have we done to address the problems, and where are we now? And still we wonder, how did we come to this?

THE SKY IS FALLING

These are difficult questions that are hard to answer, especially by those directly involved as "the sky falls" around us. But someone should try.

A sense of continuing "sky is falling" crises in public higher education in Massachusetts might be obtained by using a currently fashionable description of worldly military activities: the bombing of higher education started with limited, directed sorties in the spring of 1988, expanded to carpet bombing between 1989 and 1991, and then, in January 1991, the ground war was launched.

We also might consider what happened in Boston on October 18, 1989, as an illustration of our entire "sky is falling" plight. That was the day of the 1989 "San Francisco earthquake." In Massachusetts, the public higher education community tried to create its own "quake," in the form of a massive rally at the statehouse. We were determined to shake the political structure, the Governor and the legislature, into understanding what was happening to the state system of higher education, its students, faculty, and staff. We were determined to change their minds, to change their increasingly inflexible philosophy of cuts, cuts in everything and anything, and it seemed to us, cuts especially in public higher education.

The rally was planned in only three weeks. Its theme was "No More Cuts." Cooperation among the various constituents of higher education in the State was outstanding. Leadership came from faculty, students, and administrators, prominently from Framingham State College, I am proud to note. Indispensable contributions of ideas, time, energy, expertise, political savvy and contacts, strategy, and experience came from the local campus unions and their leaders as well as the statewide unions and their leadership.

We planned, and hoped, for a crowd of 10,000. Our expectations were for something less. I became increasingly concerned as October 18 began as a dark, misty, and raw day. In spite of the weather, the yellow school buses came from every part of the State. They flooded Boston's streets. People just keep arriving. The crowd gathered on the Boston Common, across the street from the Statehouse. The program included music, shouts, exhortations and speeches. There were speeches from students, union leaders and Regents. They were not all long, and many were stirring, heartfelt, and effective. And the crowd cheered. The roar from the 15,000 to 20,000 enthusiastic students, faculty, staff and friends was deafening. We were amazed and encouraged. The crowd marched to the steps of the Statehouse to hear government representatives, but to no avail. Only the Chair of the Governing Board of Regents appeared. Many participants had also agreed to visit legislative representatives and senators after the rally. Again, to no avail. Most of the doors to the Statehouse had been locked, and many legislators had long since left their offices. There is no question that an enthusiastic crowd that large gets attention and makes an impression.

Back on the campuses -- late that day, the next day, and for weeks to follow -- we heard about the rally in Boston. The rally had a positive effect on the campuses. Cooperation was the rule. There was a strong sense of cause and purpose. We were a real community and we would not be defeated, dismissed or disregarded. We were more in charge of our own destiny, and we were doing something to fight "them" and to support "what's right" and what "should be." At the end of that week we learned that the previously announced $35 million cut for public higher education had been reduced to $25 million. Any reduction in the cut was, we thought, a significant victory.

There were other effects, too. Some we detested and were trying our best to counter, if not defeat. They were loud, continuing, and, unfortunately, effective. Several flower beds of marigolds around the Statehouse were trampled, students did not go to class, faculty did not hold class, and highly paid administrators did not attend to their campus duties. Several legislators and government officials viewed these tactics as disgraceful, as did some representatives of the Boston and local community news media.

THE FISCAL CRISES

The rally of October 18, 1989 broadly reflects what has happened to public higher education in the Commonwealth of Massachusetts: funding cuts, lack of support from the executive and legislative branches of state government, a continuing inability of the public higher education community to explain its needs and contributions effectively, failure to win sufficient support from the government, the media, and the people of the State, and another series of cuts. The primary significance of the rally, however, is the primary reason for our "falling sky" problems, that is, the continuing series of fiscal crises threatening our public higher education system.

I know, you say education, and higher education, and public higher education are definitions for fiscal crises. Educators are always crying and whining and complaining, as many detractors in the media and government report, about funding. We never seem to have enough, they say. As Howard Bowen noted over a decade ago, higher education could spend an infinite amount of money and still be unsatisfied.

I took refuge in that thought in the spring of 1988 when the first cuts were made. After the October 18, 1989 Statehouse rally, further mid-semester budget cuts and a massive base budget cut for the fiscal year 1991, I was more than convinced that something truly dramatic was happening, something substantially different from what we normally decry as "drastic budget cuts." This was serious stuff. The budget cutters were winning. The sky was falling. And my question of "How had we come to this?" had assumed much greater concern and importance.

SYSTEM BUDGET CUTS

Budget reductions for public higher education in Massachusetts started with a "level funded" budget for fiscal year 1988 (academic year 1987-88). There was concern expressed on the campuses that, in such bullish economic times, inflation costs were not being met. After all, the "Massachusetts Miracle" was being touted to the entire nation. On the other hand, Governor Dukakis was promising a billion dollar capital construction package for public higher education. This would fund the first new construction projects since the mid-1970's. We acquiesced. We needed the new and renovated facilities. But the construction projects were never funded, and, although unrecognized at the time, the daunting fiscal attack had begun.

The spring of 1988 brought the first of what was to become a common occurrence, a mid-year budget cut, to be known as "reversions." This first "reversion" was, by comparison to those to come, relatively small, slightly less than 2 percent of the original state allocation to the campuses. Occurring in March, however, with about three quarters of the budget year already passed, the effects seemed, and were, more painful.

Then, base budget reductions and mid-year "reversions" became the anticipated, if not accepted, situation. By fiscal year 1989, the former budget process of individual campus budgets being sent to the Board of Regents for review and submission to the governor was essentially abandoned. The budget cuts were so severe that budget requests became meaningless.

The cuts continued. The fiscal year 1990 base budget cut of about 5 percent was followed by two mid-year "reversions" totalling about 4 percent. Fiscal year 1991 deepened the funding nightmare with a 9 percent base budget cut and then three mid-year "reversions" cutting another 7 percent from the campuses. The public higher education budget had been cut by more than $200 million in three years, and public higher education's share of the State budget had plummeted from 7 percent to 4 percent. "How, we all thought, had we come to this?"

CAMPUS BUDGET CUTS

The campus budget cuts paralleled the dramatic and drastic changes for the entire system. All 29 campuses of the Massachusetts public higher education system, including funding for scholarship and diversity programs, have suffered similarly drastic cuts.

The Framingham State College base budget was cut by $2.5 million or 17 percent between fiscal year 1988 and fiscal year 1991, but the total budget losses have been much greater because of the mid-year cuts. These "reversions" total an additional $2.2 million over the four fiscal years, averaging more than 4 percent each year.

Compounding this annual financial stress on the campuses have been two other difficult problems: the unusual length of the fiscal crisis, now three years since March 1988, and the increased severity of each succeeding series of budget cuts. The current 1991 fiscal year, then, has seen the largest reductions for Framingham State College, with four separate cuts totalling 17 percent.

THE EMPLOYEES

As the fiscal crisis within public higher education continued and deepened, the employees on the campuses became increasingly beleaguered. Collective bargaining agreements went unsigned for almost two years. Even after they were signed, the contracts did not include any sections that involved funding of any kind. For example, no salary raises were received for three years, fringe benefits were reduced significantly, no funds for promotion raises were available, and sabbaticals remained unfunded.

Table One

Framingham State College Changes in Funding

	1987-88	1990-91	Changes	
Base Budget	$14,800,000	$12,300,000	Down	17.0%
Tuition Retained by FSC	NONE	$ 920,000		
Budget Reversions to State	$ 250,000	$ 1,030,000		
Tuition (annual, per student)	$ 936	$ 1,250	Up	34.0%
Fees (annual,per student)	$ 415	$ 1,258	Up	203.0%
Tuition and Fees (annual,per student)	$ 1,351	$ 2,508	Up	86.0%
Tuition and Fees (average, U.S. Public College)	$ 1,320	$ 1,570	Up	19.0%
Enrollment (full-time)	$ 3,300	$ 3,050	Down	7.60%
Cost of Education (annual,per student)*	$ 5,811	$ 6,157	Up	6.0%
Percent of Cost Paid by Students	23.20%	40.70%	Up	75.0%

* Cost of Education (annual, per student) includes: (The Base Budget plus Tuition Retention minus Reversions) per student; plus the Fees per student; plus Other State Costs, calculated at 22.0% of the Base Budget per student.

The level of employee frustration, concern, anger, and, among some, resignation and even despair increased with each successive funding cut, with the apparent decline in, or lack of, support for public higher education throughout the State, and with the seemingly continuous attacks on State employees by critics from the media. Talk show hosts were relentless in their incredibly cynical and unjustifiably negative and destructive attacks. Newspaper columnists wrote regularly of overpaid and underworked "hacks" on campus payrolls. Administrative "fat" was, and continues to be, a prime and juicy target.

Lunchroom and corridor conversations on the campuses were, and are, dominated by debates over economic turmoil, the politics and politicians of the Statehouse, campus mergers and closings, and survival. This is, perhaps, the worst of a long list of bad results from the three-year attack on public higher education -- time, effort, and keen minds devoted to protection and survival rather than to academic planning, student programs, and educational excellence.

WHY HAD WE COME TO THIS?

Unusually large cuts and reductions in things in which you believe deeply and hold as most important are always hard to understand, let alone explain. Often, many of the causes of such problems appear to be specific to a particular situation, and, at times, external or uncontrollable circumstances may be of critical importance. It can be argued that several of the reasons for the attacks on public higher education in Massachusetts are specific to our State, and that at least some of the problems are beyond the control of higher education.

COMMONWEALTH HISTORY

The history of higher education in the Commonwealth presents a particular problem for the public higher education sector. While Massachusetts was the founding site in the late 1830's for state boards of education, and also for state-supported teacher education colleges, it was also the founding site of colleges and universities in the United States. It still has, by far, more independent (or private) colleges and universities than any other state. About one-half of all Massachusetts higher education students are enrolled in independent institutions, and over 75 percent of the members of the Massachusetts legislature are graduates of these independent institutions. Most importantly, "the people" of the State traditionally believe that the public higher education campuses are distinctly less attractive and of much lower quality than the independent colleges or universities. While I believe this opinion to be demonstrably untrue, it is strongly and widely held.

THE ECONOMIC MIRACLE AND THE GOVERNOR

You might recall that what was often referred to as the Massachusetts "economic miracle" began in the early 1980's.

This unusual economic boom for the state carried then Governor Dukakis to an overwhelming gubernatorial reelection victory in 1986. It seemed to "crash" as Dukakis returned to the Commonwealth in November 1988 after a failed presidential bid.

The entire State rose against him. We blamed him for everything. In January 1989, when Governor Dukakis announced that he would not run for reelection in 1990, things seemed to go from bad to worse. He was now a known "lame duck," as well as an unsuccessful presidential candidate. Political solutions to problems, any problems, but especially financial ones, became unattainable. For almost two years the state was mired in an increasingly difficult set of budgetary problems. Nothing could be decided. Government leaders were powerless. The entire State governmental system was overwhelmed by the destructively interacting political and economic conditions.

In a few short months the "miracle" became the "mess." The State bond rating approached "junk" bond status, and the mood of the people and the State turned from ebullience, optimism, and confidence to deep cynicism and pessimism.

During the "economic miracle" years in Massachusetts, Governor Dukakis made tax cuts totalling more than $700 million on an annual basis. By fiscal year 1989, the State was running a deficit of almost $1 billion. The people of the State could not and would not understand why large State surpluses had switched to huge deficits in such a short time. The order of the day was cuts, cuts in spending and cuts in programs.

Increasingly cynical talk shows and acerbic newspaper columnists, demanded layoffs of State workers, as many as possible. The "blood in the street" mentality, we called it. Public higher education balked. We thought we knew what would happen to our educational institutions under layoff conditions. We offered to reduce our ranks, but through regular attrition and hiring freezes, not through layoffs. The Governor was not convinced. He ordered at least 750 employees to be laid off immediately. The presidents and chancellors publicly protested, and the Governor compromised. But the "fight" was never to be forgotten. We would pay.

WHAT TO DO?

The first funding cuts hit the Massachusetts public higher education system in March 1988. The campuses reacted to the first budget cuts by reducing expenditures substantially -- eliminating equipment purchases, and reducing travel, maintenance, and overtime costs, for example, to try to "get through" the tough budget times without reducing access for our students, without passing the costs on to the students and their families, and without affecting program quality.

COST TRANSFER FROM STATE TO STUDENTS

By fall 1989, however, it was clear that these were unusually difficult times. We were under attack. Something had to be done.

By spring 1990, essentially every campus was facing a very difficult dilemma: increase student fees significantly or cut programs and employees drastically. We all chose fee increases, while doing our best to reduce costs. We were determined to maintain the high quality of the academic programs, and of the faculty and staff. The pressures from many external sources, especially the government and the media, for personnel layoffs, program reductions, and even campus closings became increasingly intense. The pressures were resisted by the campuses, but the resulting cost increases for the students were drastic.

Both our academic leaders and our students were dismayed at these dramatic cost transfers. They signified a major change in educational philosophy within the Commonwealth. The public higher education system was being asked to become increasingly independent from the State. Many governmental leaders, as well as people and organizations in the State, appear to support this change toward a "user fee" philosophy and away from a philosophy of the "common good." Those of us in public education in Massachusetts are deeply concerned that such a change in educational philosophy might become an increasingly acceptable idea throughout the United States.

THE VIEW OF A COLLEGE PRESIDENT

As the fiscal crisis escalated and lengthened on the campuses and throughout the system of public higher education, several things seemed apparent, as viewed from my position as a college president. We needed to establish cooperation, common goals, a sense of purpose, and the idea that there was something that we could do to resolve this crisis. We needed to ensure that the campuses did not blame their academic leaders for the severe fiscal and political problems being faced. We needed to form better and more effective contacts with people and groups outside of education, to help them better understand the plight of the campuses and to obtain their help rather than their indifference or, even, criticism. We established plans to try to address all of these ideas.

There were many important constituent groups to consider. We hoped, and planned, to establish cooperation among them all. There were many constituents on the campuses: the students and their leadership, student newspaper editors, faculty members and their union, administrators and their union, clerical staff and their union, alumni and their officers, and the campus Board of Trustees. There were also off-campus groups and individuals that had to be considered, not to mention the Governor and the State legislature. There was also the media. Our plans included interaction with each of these constituent groups, organizations, or individuals.

CAMPUS AND SYSTEM ACTIVITIES

Early in the fall of the 1989-90 academic year, the Council of Presidents of the 29 campuses agreed to support several activities, coordinated on each campus, as well as among the campuses. The statewide leaders of the faculty and the administrator unions (both NEA affiliates acting through the Massachusetts Teachers Association), quickly pledged help and cooperation. The campus presidents and the union leaders were soon cooperating in very significant ways, with enthusiastic and effective involvement and action from the students and their leadership. Combined efforts occurred on the local campuses as well as within the public higher education system and throughout the State.

Local campus activities varied, but in many respects were similar to those developed at Framingham State College. We formed a campus crisis committee, with representatives from the student body, the faculty, administrative and staff unions, and the college administration -- generally the college president. Often the Board of Trustees was represented. We held all-college rallies, almost weekly for about a month. Information about rapidly changing events was presented. Enthusiasm, common goals, and a sense of purpose and hope were developed. Telephone and letter campaigns to selected governmental officials were planned. Letters were sent to the editors of local newspapers. Letters requesting assistance were sent to alumni. Statehouse visitations and appointments were made and informational materials were developed. Legislators were invited to the campus.

From these planning sessions and groups at Framingham State College, came a leadership core for system and statewide planning. The student government president at Framingham College became the main student leader for system activities. The Framingham State College faculty union and administrative union presidents and the college president formed the core planning group for system activities.

What could the system do? We had previously held community college and state college "days" at the Statehouse, arranged meetings with various legislative committees and important committee members, visited legislative leaders, and presented testimony at committee hearings. These activities were clearly important, but it was evident that more activities of greater effectiveness and visibility were needed. We decided to focus on one major activity in the fall of 1989, and another large event in the spring of 1990. Between these two events, and also following the spring event, we planned weekly visits to the Statehouse, with assignments by campus, and agreed to develop a monthly newsletter, Access to Quality, to describe the qualities and accomplishments of the campuses to the legislators.

We decided on the October 18 Statehouse rally, described above, as the major fall activity. Its planning and orchestration was frenetic, with meetings held every two or three days and more often as the rally was near. The State union leaders provided countless hours of time, assistance, counsel, and expertise. They were especially effective with the student leaders, guiding, educating, and leading when necessary.

The October 18 rally left the campuses "on a high," at least for a few weeks. Each campus community was galvanized. As the voices of critics again rose, and the fiscal crisis continued, however, our plans to assign each of the 29 campuses to a follow-up visit to legislative and governmental offices encountered trouble. We were tired, and final exams and semester break came quickly. Our plan for weekly Statehouse visits faltered, with only three visits accomplished.

The time between Thanksgiving and the first or second week of the Spring semester (the first of February, or so) is a difficult period to organize activities in higher education. It was a difficult period for us in those critical days from December 1989, to February 1990. We renewed attempts to prepare media materials and to establish radio and television appearances by selected friends and leaders of education. At Framingham State College we also decided to join forces with the statewide tax equity group, "TEAM," composed primarily of union and human service organization leaders. TEAM was to become a critical spearhead group in the State with the approach of the November 1990 elections.

A MAJOR TAX INCREASE

The Spring 1990 semester brought deepening fiscal problems for the State and, consequently, increasing budgetary pressure on public higher education. The system budget proposed for the coming 1991 fiscal year was much worse than anticipated and, worse yet, appeared to depend on the passage of a very large, $1 billion, tax increase.

We re-strengthened legislative activities on both the campus and system levels. We planned and held a second rally on April 12, 1990, on the Boston Common. Again, the contributions and leadership of union officials combined with enthusiastic student efforts were critical to the entire event. About 5,000 participated, and many stayed to visit governmental offices.

While we were somewhat disappointed with the effectiveness of the rally in April, it did develop campus enthusiasm and increased our activity level at the Statehouse. We remained very concerned, however, as classes ended in May, and the battle over taxes continued into July. But we were to be very pleasantly surprised, astonished almost. After two years of political stalemate, the legislature had finally passed a major tax increase. The proposed 1991 public higher education budget was signed by Governor Dukakis on August 1, 1990. It was bad, but it might have been so much worse.

QUESTION THREE AND THE NOVEMBER ELECTIONS

The problems, however, continued to increase, in number as well as in severity. The state economy seemed headed for true "free fall," and Governor Dukakis ordered two budget "reversions" for the campuses in the first two months after signing the 1991 budget. The political campaigns for governor and many of the legislative seats complicated the issues further. But the November 6, 1990 election day posed the most critical threat yet. A ballot initiative, to be called

Question 3, would roll back tax increases and require an estimated $1 billion in State budget cuts between January 1 and June 30, 1991. Even more disastrous cuts would be required in the 1992 and 1993 fiscal years.

We estimated that Question 3, if passed, would require a budget cut of more than 30 percent for Framingham State College, for just the last half of the 1990-91 academic year. Rumors of the dire consequences of Question 3 passage mounted daily, with the consequences of one of the most frightening rumors subsequently verified from a Question 3 planning document of the Dukakis administration. The plan required that the 9 state colleges and 15 community colleges of the public higher education system would have to be closed for the entire Spring 1991 semester, if Question 3 passed.

In September, our campus, and much of the system, geared up to fight once more. Question 3 simply had to be defeated. The crisis committees were reinstated. Letters were written and phone call teams established. Meetings with newspaper editorial boards were scheduled for educational leaders, union representatives, business leaders, and friends of public higher education. Presidents, faculty members, students, union leaders, and the TEAM executive director appeared on radio and television shows. Information meetings were held on and off campus, and public debates were common throughout the state. Bumper stickers and campaign signs appeared overnight, everywhere. Union leaders and campus administrators cooperated in planning and coordinating activities. Students, faculty, administrators, and staff held signs along roadways and on bridges.

It was a good and effective effort. Question 3 was convincingly voted down by a 60 to 40 ratio, after polls in August had favored its passage by the same large margin.

The November election also brought what many viewed as good news and hope. The first Republican in a generation, William Weld, was elected governor. We predicted that, finally, the carpet bombing would end and a measure of stability would return to the system and the campuses. Public higher education was high among Governor-elect Weld's priorities.

WHERE ARE WE NOW?

Just two months after the November 1990 election our hopes were crushed. In mid-January, Governor Weld instituted a new series of "reversions." Bills were filed calling for two-week unpaid furloughs for State employees, increased health benefit contributions for State employees, loss of tuition remission at State colleges and universities for State employees, and rejection of pay raises for State employees -- raises that had been agreed to by Governor Dukakis shortly before he left office.

Governor Weld's bills contained further drastic changes aimed at public higher education. He proposed the elimination of the governing Board of Regents for the 29 campuses, to be replaced by a cabinet-level Secretary for Education, with essentially unlimited powers, and a substantial reduction in the powers of the local campus Boards of Trustees. He also recommended the institution of a sliding scale for tuition, based on ability to pay, and the conversion of the $50 million state scholarship program to a loan program.

In concert with his determination to "downsize" State government, the governor appears to be determined to close four or five college campuses. He has established a commission to review the colleges and to identify those to be closed. The commission's recommendations to the governor are due by June 1, 1991.

This very difficult set of proposals, directly following three years of fiscal crisis and its resulting chaos, and proposed by a new governor who raised hopes by placing public higher education high on his list of important priorities, and a disastrous impact on our campuses.

How do we feel? Like the carpet bombing has ended, and the land war has begun. Like the "sky has fallen," and the "abyss beckons."

AGAIN TO THE BARRICADES

It remains clear, however, that the fight must continue. Public higher education is too important to sacrifice. And so, the battle lines are drawn, once again. Crisis committees have been formed. Phone calls begin. Letters are mailed. New ideas and new approaches are sought. There are over 50 newly elected legislators, and many new governmental staff members. They know little, or next to nothing, about higher education. But they seem convinced of one thing, many of them anyway: further deep budgetary cuts are necessary, and public higher education remains near the top of the "cut list."

The new battle is necessary, even if the campuses are badly demoralized. Some campus leaders remain willing and able, and we are thankful for the energy, enthusiasm and commitment of the student leaders. The showing will be a good one. But at what cost?

The longterm effects of these unending budgetary and political battles on the campuses are truly incalculable. Positive future plans have been forgotten or sacrificed. Academic program growth and change has been compromised. The ability to attract and retain high quality faculty, staff, and administrators has been lost. Quality momentum has ended. The idea that we can no longer afford to provide a quality public college education to all qualified applicants has been accepted. We are rapidly losing the commitment to a philosophy of the common good. My lament endures, "How have we come to this?"

On the other hand, for several weeks now I have not received one complaint about campus parking problems. What a revelation. The abyss swallows all issues, "good or bad."

C. ACADEMIC POLEMICS:
A LEADER'S RESPONSE TO THE CRITICS OF ACADEME

Irwin Polishook
President
Professional Staff Congress, CUNY

One of the reasons our colleges and universities are in serious trouble is that there is a polemic underway against higher education. Unsystematic but pervasive, it is reflected in many books that are being issued, speeches that are being made, editorials that are being published and on television and radio talk shows, where the subject of the academy is a newly popular topic. The greatest impact in the rendering of the assault is in a series of full-length publications about higher education. Before addressing them, it would be useful to review some of the matters raised by Dr. Ernst Benjamin, particularly in his reference to academic statistics: What is happening in the real world of higher eduction? What do the facts show about what that world consists of? I am going to survey that terrain with some snapshots of the real higher education in the United States of America.

The total student enrollment in institutions of higher education is approximately thirteen million. More than ten million students attend public colleges and universities. Of that number, four-year institutions have something over eight million, and two-year institutions have almost five million. The figures also show, in the division of roughly 760,000 faculty, 475,000 are full-time and about 285,000 part-time.[1] In terms of institutions, the two-year colleges comprise more than 1,400 of the 3,500 institutions of higher learning in the United States. The total postsecondary count swells to 10,500 if one adds proprietary institutions.[2] The 7,000 proprietary schools constitute a very powerful group and, whether we like it or not, they are accepted by the Congress and the President as part of postsecondary education.

To grasp the import of those numbers, let us examine their significance at a local institution. Because of my familiarity with the City University, I will use that institution as a vantage point, and its community colleges in particular, because they are what I call the "invisible" institutions of higher education. The community colleges of the City University reflect the City of New York, and I would suggest, similarly, that community colleges throughout the country mirror more or less the trend in the demographics of higher education everywhere. In our case, over 75 percent of all students who attend are the first in their families to go to college, and approximately one third are from families where a language other than English is spoken. More than one half of the full-time students have incomes below the poverty level. Over 70 percent come from minority groups. Twenty-five percent are over the age of thirty. More than eighty percent of the entering student population take at least one remedial course in areas of reading, writing or mathematics, or they take English as a second language. One third come from homes in which English is not the dominant language. One fifth are married. One quarter support children.[3] Forty-five hundred of our students, about eight percent, receive public assistance.[4] Nationally, it is clear that the community colleges are enrolling large numbers of the academy's minority students -- 43 percent of all Black undergraduates, 55 percent of all Latinos, and 57 percent of all Native Americans. Minority members comprise at least 30 percent of all the students who attend two-year colleges throughout the United States.[5]

Now the reason I describe this in some detail is to suggest that in a nation that is becoming more and more minority, and indeed in a state like California, where the minority population will soon be the dominant population, we have to be concerned with the future. And what we see there should be represented by the reality of the democracy and reflected in the institutions of higher learning that the critics of higher education talk about. While the City University's minority representation that I have described greatly exceeds the national proportions, that is where the trend is going, and properly so in the United States, and it will some day be approximated in most institutions of higher learning, at every level, whether four-year, research, or two-year. The fact is that democracy defines the challenge to higher education for the rest of the century and will unquestionably define the challenge in the twenty-first century. That is where we are going, and that is where we have to go. The pyramid of academic enrollment numbers is being shaped by people who are coming into institutions of higher learning for the first time, needfully, who have not before been adequately served and who will be demanding and receiving, I trust, new opportunities in institutions of higher learning in the rest of the century and into the next.

The question is, what is the higher education debate about? Is it about this need? this opportunity? the economic and social realities represented by the numbers I have described? Or is it about something else? I would suggest to you, it is about something else.

That something else, in my view, is what represents a polemic resonating in the public discussion of higher education, an academic distortion embodied in the media I have enumerated. I want to offer some examples, not exhaustive, from among the most prominent of the critics: First, former Secretary of Education, William Bennett, who launched the attack. Second, Charles Sykes, who has now written two books, one called ProfScam[6], another The Hollow Men[7], which is a discussion principally of Dartmouth. Third, Page Smith, author of Killing the Spirit[8]. Last, Allan Bloom with his book, The Closing of the American Mind[9].

My contention is a very simple one. Reading the works of these men, and they are very different, what is evident is a blast against the academy and one directed in the end against the professoriate, all of which, in my view, is very dangerous because it misapplies some legitimate narrow issues to the entire world of higher education.

William Bennett started the debate by saying things like this: College students complaining about tight finances and high tuition should consider "divestitures of certain sorts--like a stereo divestiture, an automobile divestiture, or a three-weeks-on-the-beach divestiture".[10] It did not matter that the people I described at the City University or, in fact, in the bulk of the institutions of higher learning in the United States, cannot give up these luxuries because they do not have most of them to begin with.

Nonetheless, that offensive against students set the tone for the debate about what to do about higher education and how to reform it. Trying to control college costs, Secretary Bennett said, "merely by increasing Federal and State aid by weight," speaking of increasing it at a time when it was decreasing dramatically and particularly for the underserved and underprivileged, "was like the dog chasing his tail around the tree. The faster he runs, the faster his tail runs away." His argument was that if you give more student aid, tuition only goes up.[11] Of course, the reference was only to those institutions of higher learning that had a high tuition to begin with, and at the time he wrote this, only eighty institutions among the more than three and a half thousand charged more than $10,000 in tuition, and the average tuition at four-year institutions was probably about $1,200 and at community colleges throughout the United States below that. Yet the discussion, the distortion, if you will, principally centered on the fact that tuition was going through the sky and that it was too expensive to attend schools of higher learning. Then Bennett also lambasted the professoriate for teaching too little and for engaging in research that was irrelevant and unimportant, in his estimation. Parenthetically, while head of the National Endowment for the Humanities, he had already determined what was important and disseminated his judgments in the NEH report, To Reclaim a Legacy. Bennett identified what should be taught at American colleges and attacked the teaching of a curriculum that he believed was unworthy of this academic generation.[12]

Now, Charles Sykes put forth similar denunciations in his recent volumes on higher education. He is a journalist, and a good one, by the way. ProfScam is very well written, well argued, and I would recommend everyone read it. Do not be put off by it. To give a notion of what his mindset is, the first chapter is entitled, "The Indictment." He was not the first person, by the way, to take that approach to higher education in considering its reform. For example, H. L. Mencken had a simple plan for reforming American higher education. He suggested that anyone who really wanted to improve the university should start by burning the buildings and hanging the professors.[13] Sykes asserts that the modern university is plagued by:

> [C]osts that are zooming out of control, curriculums that look as if they were designed by a game-show host, nonexisting advising programs, lectures of growing, mind-numbing dullness, often to 1,000 or more semi-anonymous undergraduates... teaching assistants who can't speak understandable English; and the product of all this, a generation of expensively credentialed college graduates who might not be able to locate England on a map.

Then he goes on with a very lengthy bill of particulars against the professoriate. First:

> They are overpaid, grotesquely underworked, and the architects of academia's vast empire of waste. They have abandoned their teaching responsibilities and their students. To the average undergraduate, the professor is inapproachable, incommunicative and unavailable. In the pursuit of their own interests -- research, academic politics, cushier grants -- they have left the nation's students in the care of an ill-trained, ill-paid, and bitter academic underclass [adjuncts].

There has been much more of the same in two volumes now, which have been widely reported in the press and, I assure you, read assiduously by the people who do the talk shows, people who do not read some of the more thoughtful commentaries on higher education, which may be very critical but are not polemics.

While Bennett and Sykes come at the subject from the right, the attack also comes from the left. Page Smith may be described as a critic on the left. "If the flight from teaching," he writes in Killing the Spirit:

> [I]s the most serious charge against the American university, along with pedestrian (or worse) research that results from the flight, the spiritual aridity of the American university is, for me, the most depressing aspect of all. By 1900, the university had cast out every area of investigation on every subject that could not be subsumed under the heading "scientific" and had made all those that remained (like literature and philosophy) at least profess to be scientific. Excluded were such ancient and classic human concerns as love, faith, hope, courage, passion and compassion, spirituality, religion, fidelity -- indeed, one is tempted to say, anything that might be somewhat encouraging to young people eager to receive some direction, or, in the words of a student survey form, develop "a philosophy of life."

There is more of the same from Page Smith describing what he thinks ails the modern university, much in the same terms as those used by the critics of the right. It would be difficult to find great difference in substance among the "indictments" of Smith and Sykes, and Bennett, for that matter. However, they come to it from different points of view and different philosophies.

Last, but not least, is the significant book of Allan Bloom, the full title of which is The Closing of the American Mind: How Higher Education has Failed Democracy and Impoverished the Souls of Today's Students. This book I would call the "mother" of all criticism. It sold over 500,000 copies in its hard-cover edition and thousands more in paperback. It contains two really different sections joined together. it is extremely dense and difficult, which makes one wonder why the book was so popular. The reason, I believe, is that it is basically a polemic, and a polemic captures your attention. But, it assumes the pose of "reform" criticism and the post of scholarship, of which it has both. Added together, however, they do not amount to more than a polemic. The book has some criticism at the beginning, of American culture and higher education, and then Bloom's own philosophy, which is both scholarly and personal in the way of advocacy of a naturalistic and natural law philosophy, and then the application of that philosophy to the higher education curriculum.

Let me just take one of Bloom's chapters -- the one on music -- and describe it, and we can see how he takes his argument to its conclusion. He says, rock music has "three great lyrical themes, sex, hate, and a smarmy, hypocritical version of brotherly love." Then he contends that "the unconscious has been made conscious [in rock music], the repressed expressed. And what have we found?" His argument, of course, is that we have found nothing more than Plato found to begin with, that music is an extension of the emotions and that it vitiates reason. None of this, Bloom says, interferes with the students' going about their college work, attending classes or completing assignments, but the students' "meaningful inner life is with the music," whether it be for sex, violence or drugs. The issue here is the effect on education. Bloom believes that the music ruins the imagination of young people, destroys their "souls," and makes it very difficult for them to have a passionate relationship with the arts and ideas of liberal education. The killing of the spirit that Page Smith talked about, which was "scientism" is his view, in Bloom's view is the culture of which the student is a part, represented, in this case, by music that appeals to the emotions and undermines reason, making it impossible for the student ever to have access, as he puts it, to the world of natural law, which consists of, for the purpose of education, not surprisingly, Bill Bennett's recipe, the great books -- the great classics, unchanged, primarily dating back to the time of the Greeks and the Romans, with some modern ingredients thrown in, such as Mark Twain. That is Bloom's prescription. It is a prescription that had an immediate and sensational appeal to people who read it and mostly did not understand it. But, it resonated in their minds, did it not? And it appealed to their attitudes or feelings or to the suspicion that something was wrong in the academy, as a polemic would.

What I have to say is simple: I made the point that the demography of higher education will control its destiny. We will not exceed that. The only places in which this reality can be denied are those institutions that are inherently elitist and selective, of which there is a small number, for which families normally have to pay a very high price. If you want to keep the "natives" out, you have to build big walls, and in this case, the walls cannot be physical. They have to be financial, and only those who can afford the price may enter.

But for the remaining people of the United States, diverse, aspiring, demanding and needful -- and our nation is needful of their talents--higher education is going to be quite different in the next century. That difference is already being reflected in our institutions, and that difference, in my view, is what some of the critics are complaining about. Not that all of their complaints are wrong or incorrect or misapplied, but the bulk of their suggestions -- that faculty do not teach enough, that research is too limited, that tuition is too high -- applies only to a limited group of elite institutions, and surely does not apply in the same degree to those professors and non-classroom professionals who are in the remaining institutions like the City University of New York, or those places which will move in that direction in the next century, including those in California, Texas and many other states.

I believe we have to be very careful as advocates for higher education, and I am an advocate. It sounds as if I have delivered a polemic to attack a polemic, and that is the way it should be. Because, if we do not advocate for ourselves and identify a fault in the attack on the academy, we are going to be consumed by that attack and consumed by it for the wrong reasons. Those reasons should not be reasons of providing education for a small number of people, or opportunities to a small number of people, or access for a small number of people. When Secretary Bennett rendered his attack on higher education, he was also trying to prevent public and private institutions from having the funding base to allow higher education to change, to reform, and to adapt to the demography of the next century. He knew what he was doing.

My recommendation is, we had better know what we really want. We should not succumb by being dumb. We should be prepared to fight back by being strong. Intelligence does not necessarily exclude polemics, or strong counter-argument, as I prefer what I say to be characterized. it has to recognize the adversaries around us. There is a real agenda for higher education, which is the agenda for another address, obviously. That agenda must be to provide for demographic change and to adapt to the criticism that is legitimate, and there is legitimate criticism. But, we should also be prepared to take the initiative and move ahead. We should also be prepared to understand that as our institutions change and the populations change, the opportunities that are necessary for the people who come into higher education will serve not only them, but will serve all of us well in the next century.

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II. THE CHANGING BALANCES OF POWER IN HIGHER EDUCATION

A. The Interaction of the College Administration, the Academic Senate and the Union at California State University

B. Cooperative Models of Collective Bargaining and Collegial Governance: The Perspective of an Academic Senate

C. Mutual Gains Bargaining: Collective Bargaining as Planned Institutional Change

D. The Toughest Bargaining Isn't Always with the Other Side: Mutual Gains Bargaining at the University of Cincinnati

E. The Impact of the California Community College Reform Act on Collective Bargaining

F. Faculty Empowerment in an Era of Change: The Union's Role in Implementing the California Community College Reform Act

THE CHANGING BALANCES OF POWER IN HIGHER EDUCATION

A. THE INTERACTION OF THE COLLEGE ADMINISTRATION, THE ACADEMIC SENATE, AND THE UNION AT THE CALIFORNIA STATE UNIVERSITY

Caesar J. Naples, Vice Chancellor
Faculty and Staff Relations
The California State University

It is a greater pleasure than you can imagine to be sharing this platform with the chair of the systemwide academic Senate of the California State University, Dr. Sandra Wilcox; the President of the California Faculty Association, Dr. Pat Nichelson; and my boss, the chairman of the Board of Trustees of the California State University, William Denny Campbell. It is also a relief too! Last night, our bargaining for a new faculty collective bargaining agreement was concluded with tentative agreement having been reached to guide us through some of the most difficult budgetary times in the history of higher education in the State of California. And it was accomplished through the use of, what for us was new bargaining processes, as my friends have described. It was also the first time we were able to settle our differences without going to impasse, without the assistance of a third party, and without a lot of acrimony.

Now, preparing for this presentation was easier for me than you might think, because I was able to update the presentation I intended to deliver two years ago at the Seventeenth Annual Conference in 1989. At that time, I tried to arrange a joint presentation by the Academic Senate, the union and our Board of Trustees. Unfortunately, a short time before we were scheduled to appear together, a dispute developed between the administration and the union over a complex academic issue. (I believe it was Clark Kerr who defined a university as a place devoted to scholarship and teaching bound together by a common grievance over parking.) We fought over parking fees -- publicly, intensely, and with more disharmony than any other issue we have dealt with either before or after. In any event, at that time, we decided that to come before you to discuss cooperative models of bargaining when we were engaged in a tough and unpleasant struggle and were barely speaking to one another would not be sincere.

I am pleased to report that we are here: better late than never, thanks to the good faith efforts of Dr. Wilcox, Dr. Nichelson and Mr. Campbell.

One of the aspects of faculty collective bargaining that has always intrigued me has been the relationship between senates and unions -- how they differ, can they coexist, what is in it for them if they try to live together, and what is in it for management? These are the pragmatic questions. More abstractly, is the faculty losing anything when the senate fails to maintain its separate vigor, and does the institution suffer anything of significance when the senate is replaced by the union as the principal player in faculty and institutional life?

Historically, academic senates have spoken for the dual elements of the faculty spirit: the proper and important involvement of the faculty in academic issues including curriculum planning, evaluation of peers, and academic policy, on the one hand; and the appropriate faculty concern with the "bread and butter" issues such as wages, hours and other conditions of employment on the other hand. Before the advent of unions, faculty senates rode both horses, with their academic affairs committees to address the former and their faculty affairs or faculty welfare committees to deal with the latter.

As unions preempted the senates' role in dealing with employment-related matters, senates have, for the most part, relinquished their involvement in this area. Occasionally, this has led to the demise of the senates. Perhaps because they have lost the interest of the faculty, or because they have been perceived by the unions as rivals and their continued existence might confuse or dilute and weaken the voice of the faculty. Sometimes, administrations have questioned the continued utility of senates, seeing them as occasions for a "second bite at the apple" following that of the union.

I believe that the demise of the senates would be unfortunate -- and unnecessary. Some mechanism should be found to join these two halves of the faculty spirit.

For one thing, shared -- or collegial -- governance in a university is predicated upon a community of interest among the participants. it draws upon the belief that faculty and administration seek a common goal in developing the finest curriculum, the best qualified faculty and the soundest academic policy.

Secondly, perceived as an interaction among colleagues, collegial or shared governance does not identify the process as a zero-sum game in which you gain only at my expense. Instead, the whole is greater than the sum of its parts when colleagues work together.

Thirdly, the participants are collaborating voluntarily -- because they believe in the process and have created it precisely because of that belief -- rather than because one of the participants or a court or labor board have forced it upon the other. And, because of their sense of "ownership" in this voluntary collaboration and their belief in its properness, the parties are more likely to seek to expand it to other areas where the need for collaboration may be helpful.

These elements -- and I am sure there are others -- are an important part of a university. This is especially true as we face the challenge of fashioning effective responses to external challenges such as fiscal stringencies, the rapid diversification of our population, and the drying up of the faculty pipeline, just to mention a few.

Now let me say that, as a lawyer, I have been educated in the belief that the best solution often can be found emerging from the clash of adversaries. Our system of jurisprudence is founded in part on this principle. Collective bargaining provides just that opportunity, and is, arguably, a very credible way of resolving disputes over the distribution of resources in a zero-sum situation. If one side is at the bargaining table by right and by law and not at the sufferance of the other, if the pressure of the public can be brought to bear on each of the participants, and if differences can be mediated by neutral third parties when necessary, constituents are move likely to believe in the fairness of the results in such a zero-sum situation.

However, not all issues faced by a university -- or even by participants in collective bargaining -- are zero-sum issues. Furthermore, many issues can more profitably be resolved if the parties do not address one another as adversaries with all the attendant wariness and suspicion. So the parties would benefit by some method offering the opportunity for erstwhile adversaries to deal with each other as colleagues, if only temporarily. Finally, and most importantly, I believe that all parties -- faculty, administration, students and the public -- would benefit from some process that would accomplish all of this, as well as bringing to bear on issues both parts of the faculty spirit. Specifically, if that part of the faculty psyche that is concerned with the professional aspects of an issue as they affect the faculty were added to that part that exercises the legal rights of the faculty over working conditions, much could be gained. All elements of a problem could be dealt with without the worry that the rights of the absent party may be abrogated. And the concerns that a third party who is not present will seek to undermine the solution arrived at, or to undermine the representative who reached it, will be avoided.

I am describing a process where both the union and the senate -- sitting at the same table with the administration -- address issues of mutual concern. It seems to me that issues of traditional faculty concern such as professional development are most appropriately dealt with if all their elements can be dealt with at one time. In the California State University, professional development has been viewed as a program that has implications for both the academic program as well as for collective bargaining. It is not merely another form of vacation that would place it squarely in the "working conditions" column; nor is it free from elements that make it nonbargainable. To deal with it exclusively in one traditional forum or another denies its dual nature or changes that nature.

There are many issues that could be addressed profitably in this forum. Another example we are exploring is the expansion of research as part of the professional obligation of the faculty. Traditionally, CSU faculty have focused on teaching and service as the principal aspects of the professional obligation, with research a distant third. Some of our institutions have recognized research as a more important aspect of faculty production, but frequently there has been resistance on the part of many members of the faculty to place any greater emphasis on scholarly productivity as an important criterion in the retention, promotion and tenuring of the faculty. The impact on the academic program of such a change in emphasis is self-evident. But, it may not be accepted comfortably by many (especially the administration) as falling within the scope of bargaining. This is the type of dilemma that can be addressed at the three-cornered table at which the senate, the union and administration are seated.

Another issue that is being addressed profitably by the union and the senate is the question of modifying the workload of the faculty. We are all interested in reducing the teaching load of faculty in the CSU. In the collective bargaining negotiations recently concluded, the administration and the union promised to work together to reduce the teaching load of full-time faculty. We agreed to spend next year planning this reduction, and this process will necessarily involve the academic senates as the impact upon the academic programs of CSU's component universities is assessed and addressed.

I have only scratched the surface of the potential for this new cooperative relationship. I believe that the application of the considerable energies of the union, the senate and the administration, freed from the concern over jurisdiction and roles, can provide innovative approaches to the complex problems we face. Already, it is bringing a new attitude toward problem-solving to the discussion. Collegiality, frequently the first casualty of collective bargaining, is returning. What is certain to follow is a new respect and acceptance of both the union and the senate as both aspects of the faculty spirit are involved in the discussion. I have a good feeling about this new effort.

I know that the next few years will be devoted to experimenting with many aspects of this three-sided process. I know that in systems such as ours, dealing with senates and unions that have theoretical rather than actual and immediate constituencies may make it easier to deal with the issues of conflicting jurisdictions. When organizations are struggling in a rivalry for the hearts and minds of identifiable people with whom they interact every day, the rivalry is perhaps more real than abstract. At least that is what is happening at some of our universities. We may also decide that some issues do not quite fit this process, although I would hope that those are few and that their exclusion from this tripartite process is short-lived.

However, I want to stress that, from my point of view as an administrator, the interaction of the academic senate, the union, and the administration on issues that impact upon both academic matters and working conditions, will benefit the faculty, the union and the senates themselves, the administration, and ultimately, the university.

THE CHANGING BALANCES OF POWER IN HIGHER EDUCATION

B. COOPERATIVE MODELS OF COLLECTIVE BARGAINING AND COLLEGIAL GOVERNANCE: THE PERSPECTIVE OF AN ACADEMIC SENATE

Sandra Wilcox, Chair
Academic Senate
The California State University

Challenges to an Academic Senate in a Collective Bargaining Context

Addressing the California State University ("CSU") Academic Senate on the occasion of its 25th anniversary, a former chair used the dramatic imagery of a bullfight to capture the essence of the challenges facing the Senate in a context of collective bargaining. Because the Senate matador faced not one, but two bulls in the ring, he said, the advent of collective bargaining would be "both challenging and exciting. You may be killed or you may, by grace and skill, successfully accost the brutal adversaries. The difficulties make the achievement the more credible."

In this view, there is a natural tendency for the union to encroach on Senate territory and for the Senate to encroach on union territory, as both groups, with overlapping membership, attempt to represent the faculty. The administration will attempt to preserve the Senate's role. The more cynical may suspect that this is merely because collective bargaining forces a solution to conflict while there is nothing to compel acceptance of Senate positions. So the Senate needs to protect its independent reason to exist from union encroachment or erosion. At the same time, the Senate must be effective in representing faculty regarding academic standards and criteria or it will lose faculty support.

Not only must the Senate achieve these ends in fact, it must achieve them in appearance, as well, by remaining independent from both union and administration. The Senate must always appear to be a separate entity from the union or why should the administration put up with the additional expense and levels of complexity of maintaining two faculty organizations? Also, the Senate cannot afford to appear as if it provides uncritical support to the administration or it will lose union support.

The parties have moved beyond the aggressive imagery of the bullfight, and it may seem somewhat overblown in the CSU of today. The CSU Board of Trustees has made the commitment to maintain both a strong Senate and a strong union. We like to describe ours as a "mature" bargaining relationship, and we use the metaphor of the three-legged stool, albeit a sometimes wobbly one, to describe the responsibilities of the CSU, the California Faculty Association ("CFA"), and the Academic Senate. These relationships represent a dynamic equilibrium, or a homeostasis, rather than the achievement of a final end state.

The evolution of the relationship among the three parties has depended on the ability to develop collaborative mechanisms in response to challenges arising at each stage of development of collective bargaining in the CSU. Each university's situation is different, and the CSU's activities have focussed on system efforts. Review of the CSU experience to this point, nevertheless, may be of interest to others.

Steps in the Development of the CSU Academic Role in a Collective Bargaining Context

The California State University has evolved a systemwide governance system parallel to campus governance systems. Each campus has an academic senate responsible for faculty recommendation of academic policy on the campus. In addition, there is a systemwide body, composed of two to four faculty elected by each of the twenty campuses. The statewide CSU Academic Senate recommends systemwide policy but does not involve itself with campus affairs. Structurally, it remains separate. Although details of campus selection of its systemwide representatives vary, there is no requirement of campus senate membership and many campuses elect their statewide senators from the faculty at large.

The California Faculty Association (CFA) is a single organization having a central organization and individual campus chapters. Bargaining is conducted solely at the system level, however, and the campus chapters are linked directly to, and participate in, system level activities.

With the passage of legislation enabling collective bargaining in the CSU, the Academic Senate began to consider its role in the new environment. The Senate's efforts centered on four areas:

1. Commitment to the maintenance of traditional forms of academic governance.

2. Identification of clear and separate responsibilities for the Senate.

3. Development of formal and informal mechanisms for communication among the parties.

4. Development of a collaborative mechanism for dealing with areas where the responsibilities of the Senate and bargaining agent overlap.

An overview of steps in a development process, however, neglects some necessary elements of success in a difficult situation. Key for the Academic Senate and the CSU have been the maintenance of strong Senate leadership in educational policy and professional matters, and integrity and good will among the major participants.

The first key has been the quality of Senate achievement. The CSU faculty did not support collective bargaining out of dissatisfaction with the Senate but rather in the expectation of increased economic clout, particularly with the legislature. Taking economic fights into another arena has freed the Senate to focus on major educational initiatives on behalf of the faculty such as a general education-breadth package, the all-university responsibility for teacher education, improving undergraduate education, strengthening the master's degree, and cooperative efforts among the segments of California public postsecondary higher education.

The second key has proven to be the quality of the participants. In spite of specific disagreements, the three parties have been represented by people of intelligence, principle, and integrity. The parties have managed to retain respect for each other and to continue to work towards common goals because of the quality of leadership among them.

These two elements provide a necessary context for the discussion that follows.

1. Commitment to the maintenance of traditional forms of academic governance.

a. Write protections for the Senate's distinct academic role into the enabling legislation.

First of all, successful functioning in our environment requires full commitment to preserve the Senate and traditional forms of academic decision-making. This commitment has been made explicit by both the legislature, in our collective bargaining statute, and subsequently, by the CSU Board of Trustees, in the Statement on Collegiality, discussed below.

The enabling legislation for collective bargaining in both the University of California and the California State University is the 1978 Higher Education Employer-Employee Relations Act (HEERA). The stated purpose of HEERA is to provide the means for the universities to carry out their responsibilities in "an atmosphere which permits the fullest participation by employees in the determinations of conditions of employment which affect them." [Section 3560(e)]

HEERA sets these provisions for collective bargaining within the existing context of traditional mechanisms of faculty governance, stating the Legislature's intent to preserve the Academic Senate's authority for academic and professional matters:

> The Legislature recognizes that joint decision-making and consultation between administration and faculty or academic employees is the long-accepted manner of governing institutions of higher learning

> and is essential to the performance of the educational missions of such institutions, and declares that it is the purpose of this act to both preserve and encourage that process. Nothing contained in the [law] shall be construed to restrict, limit, or prohibit the full exercise of the functions of the faculty in any shared governance mechanisms or practices, including ... the Academic Senates of the California State University...and other faculty councils, with respect to policies on academic and professional matters affecting the California State University.... The principle of peer review of appointment, promotion, retention, and tenure for academic employees shall be preserved. [Section 3561(b)]

Clear and separate responsibilities for the Senate must be identified and protected. HEERA limits scope, specifically excludes areas from bargaining, and reserves specific responsibilities to the Academic Senate.

The "scope" language of HEERA, therefore, is a key section for the Senate. In the CSU, "'scope of representation' means, and is limited to, wages, hours of employment, and other terms and conditions of employment." [Section 3562(r)] HEERA explicitly excludes four areas from scope:

> (1) Consideration of the merits, necessity, or organization of any service, activity, or program established by statute or regulations adopted by the trustees, except for the terms and conditions of employment of employees who may be affected thereby.
>
> (2) The amount of student fees which are not a term or condition of employment.
>
> (3) Admission requirements for students, conditions for the award of certificates and degrees to students, and the content and conduct of courses, curricula, and research programs.
>
> (4) Criteria and standards to be used for the appointment, promotion, evaluation, and tenure of academic employees, which shall be the joint responsibility of the academic senate and the trustees. The exclusive representative shall have the right to consult and be consulted on matters excluded from the scope of representation pursuant to this paragraph. If the trustees withdraw any matter in this paragraph from the responsibility of the academic senate, the matter shall be within the scope of representation. [Section 3562(r)]

HEERA assigns "joint responsibility" for criteria and standards for appointment, promotion, evaluation, and tenure to the Academic Senate and the Board of Trustees. It, therefore, establishes a unique role for the Academic Senate, as well as removing academic policy matters from the purview of the bargaining agent.

b. Secure the Board of Trustees' commitment to the principle of collegiality in dealing with the Senate.

Some eight years later, climaxing a significant Senate effort, the Board of Trustees adopted the Report of the Board of Trustees' Ad Hoc Committee on Governance, Collegiality, and Responsibility in the California State University, often called the "Statement on Collegiality." Defining collegiality as, "a shared decision-making process and a set of values which regard the members of the various university constituencies as essential for the success of the academic enterprise," the Board acknowledged the authority of the faculty in educational matters, based on their knowledge of subject matter and pedagogic expertise. "Collegial governance," the Board found, "assigns primary responsibility to the faculty for the educational functions of the institution" within the policy outlines set by the Board. Furthermore, "faculty recommendations [on these matters] are normally accepted, except in rare instances and for compelling reasons." Collegiality, therefore, requires not only consultation, but mutual respect and the will to achieve consensus.

The CSU Board of Trustees, therefore, has made the explicit commitment to that difficult but necessary model of academic governance for matters outside of scope: shared decision-making:

> The Board of Trustees wishes to maintain the statewide Academic Senate and campus senates/councils separate and apart from collective bargaining. It is the intention of the Board to maintain its efforts to promote collegiality and to support the continuing efforts of the Academic Senate to preserve collegiality in the CSU. [Report of the Board of Trustees' Ad Hoc Committee on Governance, Collegiality and Responsibility in the California State University, 1985.]

By adopting the Statement on Collegiality, the Board carried out at the policy level the Legislature's intent to preserve and strengthen traditional mechanisms of shared governance. It also promised the Senate to respect its authority for admission and degree requirements, the curriculum and methods of teaching, academic and professional standards, and the conduct of creative and scholarly activities.

2. Identification and articulation of the roles and responsibilities of the Senate in the collective bargaining context set by the enabling legislation.

a. Identify specific roles and responsibilities for the Senate.

It took three and a half years after passage of the enabling legislation for a bargaining agent to be certified for the CSU. In the meantime, the Academic Senate developed its own statement, "Responsibilities of Academic Senates within a Collective Bargaining Context: Collegiality and Collective Bargaining" (1981). This document asserted the Senate's role as the formal policy-recommending body on systemwide educational policy matters in the following areas:

(1) Minimum admission requirements for students;

(2) Minimum conditions for the award of certificates and degrees to students;

(3) Curricula and research programs;

(4) Minimum criteria and standards to be used for programs designed to enhance and maintain professional competence, including the awarding of academic leaves; and

(5) Systemwide aspects of academic planning.

It also established that the Senate be consulted on such systemwide matters as aspects of program review, academic support programs, policies governing the appointment and review of presidents and campus academic administrators as well as systemwide executive officers. The first half of the document deals with the CSU Academic Senate, and the second half with parallel functions for campus senates. While establishing specific rights and responsibilities in the document, the Senate also stated that it would not participate in the process of collective bargaining, and that, normally, it would not consider matters within scope.

b. Begin to operationally define terms arising in the context of contract negotiations.

The scope provision in HEERA contains two of the major challenges the Senate has faced under collective bargaining. The first challenge was agreeing on a definition of "joint responsibility," by which the Senate would discharge its particular responsibility in the area of standards and criteria in the evaluation of faculty. The second, discussed in a later section, was finding a way to deal with areas, such as professional development, for which both the bargaining agent and the Senate have responsibility.

During the negotiations of the second contract, the Senate asserted, in its review of the "sunshine proposals," that a matter reserved to the Senate had been bargained in the first contract. The Trustees, with the concurrence of the bargaining agent, agreed to withdraw the item, which concerned the use of student evaluation of teaching, and to handle it as a matter of joint responsibility with the Senate. This forced the parties to confront the need for definitions of "criteria and standards" and of "joint responsibility". It was relatively easy for the Senate and Board to concur that "normally the indicators of teaching performance such as peer and student evaluations constitute a matter of criteria and standards." Reaching agreement on what "joint responsibility" meant was not so easy.

Senate leaders debated with the administration whether "joint responsibility" meant that each party had a veto over the other's recommendation. Ultimately, the parties settled on the view that joint responsibility required agreement by both parties to enact a change in the standards and criteria for the appointment, promotion, evaluation, and tenure of faculty. Neither party could act unilaterally on these matters. Joint responsibility also would require the commitment of both the parties to continue to work toward consensus. This was a way of carefully avoiding the awkward question of what actual authority the Senate had in a disagreement. The parties agreed that a definition of joint responsibility should be developed out of a history of its successful exercise. Since there was no disagreement about the specific item on the use of student evaluations, except, perhaps, by the student association, this was a promising test of the concept.

The Senate, therefore, constructed a "developmental paper" on the use of student evaluations, concluding that student evaluation is one component in the evaluation of instruction but that it should not be used as the sole indicator of instructional quality. Following review by the campus senates and adoption by the CSU Academic Senate, a formal meeting with a specially constituted Trustee subcommittee was held to discuss the Senate recommendation. Representatives of the bargaining agent and of the student association attended and participated in the discussion, easily reaching consensus. The Trustees adopted the recommendation on student evaluation of instruction in January, 1987. There has not been an occasion for further exercise of joint responsibility, although it appeared, for a time, that ratification of the new contract in Spring, 1991 would require action on criteria and standards for evaluation of temporary faculty seeking proposed "security of employment".

As a result of that one exercise of joint responsibility, however, the parties have become more sensitive to the implication of bargaining proposals for standards and criteria. The CFA consistently has supported Senate authority for standards and criteria and for the academic program. In developing the third contract this year, the CFA appeared to take great care to respect the Senate's responsibility in this area when "security of employment" for temporary faculty was under discussion. The CSU administration is more pragmatic about Senate responsibilities, however, and this continues to be a source of tension for the Senate.

3. **Development of Formal and Informal Mechanisms for Communication among the Parties.**

   a. **Identify the Senate's rights and responsibilities in commenting on matters within its scope.**

During the negotiations of the second contract, it became important to articulate the basis for Senate comment in areas within scope which appeared to have implications for academic programs or to be related to standards and criteria, e.g., a proposal to extend the probationary period from four to six years. The Senate developed another document, "Higher Education Employer-Employee Relations Act (HEERA): A Memorandum to Senate Members and Others" (1986), to which the administration and Trustees and the bargaining agent agreed. Concluding that HEERA "carefully preserves the right of [the Senate, the bargaining agent,and the Trustees] to talk to one another," the memorandum points out that HEERA specifically allows the CSU, as employer, to consult with academic senates on matters within the scope of representation although it is not required to do so. The Senate is clearly permitted to express opinions or seek consultation on matters within scope. Likewise, the CSU may consult with any employee group, including the bargaining agent, on any matter outside of scope, although this also is not required. In essence, the Senate concluded, HEERA permits all the parties to consult with one another on all topics. The CSU may not meet and confer (i.e., bargain) with the Senate, however, nor may the CSU meet and confer with the bargaining agent on matters outside of scope.

The Senate, therefore, established as policy that it may communicate or consult on matters within scope, as it "clearly enunciates an academic, educational, or professional concern which it believes falls within Senate responsibility." It also expressed its willingness to talk formally with the bargaining agent about criteria and standards, for which it has joint responsibility with the Trustees, since HEERA gives the bargaining agent the right to consult and be consulted on these matters. The ongoing relationship, then, is based, in part, on the agreement that the parties are permitted to talk together on all matters, but that care will be taken to observe the authority of the Senate for matters within its purview, and that of the bargaining agent for matters in its area of responsibility.

Agreement of the three parties to the principles contained in the memorandum created a structure within which the Senate could monitor and comment on areas under negotiation which affected its areas of responsibility. The Senate also created a different mode of response to such issues, the so-called developmental papers. During the negotiation of the second contract, the Senate generated a series of papers on topics on the table in which it saw a relationship to standards and criteria including student evaluations and the extension of the probationary period for faculty from four to six years. The device of the developmental paper was an attempt to distinguish symbolically this form of communication from the Senate's standard way of making policy recommendations, the formal resolution. The Senate policy committee, the Faculty Affairs Committee, in which these papers were written, thus became an arena in which the administration and bargaining agent could talk to each other in "neutral territory," with the Senate attempting to provide objective commentary on the issues from the perspective of academic and professional matters.

The difficult negotiations in the second contract, therefore, created the opportunity to resolve, successfully, a series of crucial problems centering on overlapping authority of the Senate and the bargaining agent. In each instance, those problems were resolved in favor of cooperation, partly because of the strong network of both formal and informal communications among the parties. That network relied on trusting relationships among certain key individuals and their perceived credibility with the parties.

b. Develop good informal communications with the bargaining agent and administration as well as formal liaisons.

Unlike some other senates, the CSU Academic Senate has tried to keep leadership roles in the two bodies separate and distinct. While many faculty are active in both senate and bargaining agent, as one would expect, the CSU Senate has been careful to maintain the appearance, as well as the fact, of independence of the bargaining agent. It has had to pay explicit attention, therefore, to developing specific communication structures.

Even during times of CFA-administration conflict, the two faculty bodies have kept informal lines of communication open. They have agreed that each should know, in advance, what position the other will take. They are careful to state explicitly that the two may disagree on specific issues, but that disagreement is not a threat to either body, so long as each knows the other's position and the basis for it.

Implicit, however, is the understanding that the two bodies will respect one another's lines of authority for faculty matters. Were the Senate to begin taking pot shots at the bargaining agent's issues, enunciating no academic or professional concerns, cooperation would be jeopardized. Were the bargaining agent to begin recommending its own criteria for tenure and promotion, the Senate would respond strongly.

The administration has always maintained a somewhat open view of the Senate's appropriate role in participating on matters within scope. Recently, however, it has proved to be less cooperative with the Senate. As relationships with the bargaining agent have begun to improve, the administration has tended to reduce communication and cooperation with the Senate on matters within scope, citing old concerns about exclusivity in communication on such matters. To some extent, this appears due to specific individuals who prefer to deal with only one faculty representative in a traditional bargaining format. It also probably represents a relaxation of the defensive posture towards the bargaining agent which traditionally leads administrations to seek to work through senates.

By long-standing practice, systemwide administration sits with the Senate's policy committees as staff to the committees. (Only the Chancellor is an ex-officio member of the Senate.) The president of the California Faculty Association had begun attending the meetings of the Faculty Affairs Committee as long ago as the beginning of second contract negotiations. Two years ago, that informal function was changed with the designation of a liaison from the CFA Board of Directors who would sit with the Senate policy committees and attend plenary sessions. At the same time, the CFA Board invited the Senate to send a liaison to its Board meetings from the Senate Executive Committee. Since the Senate is not organized to provide specific seats to identified constituencies, the issue of a CFA "seat" on the Senate has not been an issue.

4. Development of a collaborative mechanism for dealing with areas where the responsibilities of the Senate and bargaining agent overlap.

Two significant areas where Senate and bargaining agent responsibilities overlap are faculty development and faculty workload. The criteria for programs of faculty development were early identified as a senate responsibility; access to such programs is the bargaining agent's. While the number of courses/units taught comes under terms and conditions of employment, the limits on class size for different types of instruction (e.g., lecture, seminar, or lab) is an academic program matter, as is the question of who teaches what. So, the two faculty groups agreed to work together with the administration on two specific tasks in these areas.

The first area of collaboration was faculty development. For several years, the Senate had been submitting a systemwide program change proposal (PCP) for the CSU budget (which is formula-based) on the topic of faculty development. Annually, the Senate asked for increased funding for sabbaticals, courses off, and small supplies and services grants for faculty projects designed to broaden one's teaching and maintain currency in one's field. As the bargaining agent sought to develop its role in budget matters, it identified the faculty development PCP as an area for participation. Rather than choosing among the valid claims of the two faculty groups, the parties developed a so-called tripartite process in which the three parties would work together on drafting the PCP. Each group was to send representatives to a tripartite group "with portfolio," so that when the final draft of the PCP was completed, the Senate could ratify it and the bargaining agent could sign off on implementing language.

The tripartite agreement required a significant alteration in the way the two groups functioned. The Senate agreed that it would not appeal to the Trustees if it was unhappy with the outcome of the process; the bargaining agent agreed not to put the issues on the table separately. Both groups, therefore, made a substantive commitment to a new mode of interaction in which their traditional modes of gaining agreement to their proposals would be suspended. They agreed instead to work to a shared decision on faculty development in this forum.

It was also agreed, moreover, that no topic was excluded from discussion in the tripartite group. Budget became a common topic. On this topic, relationships between bargaining agent and administration could be acrimonious, and relationships between bargaining agent and Senate could be characterized as defensive. The tripartite meetings, nonetheless, represented the first time that Senate and CFA leadership worked together for a common goal. In this arena, the parties developed a shared position, tested the limits of their agreement, and learned respect for the differences in position based on different organizational goals.

Once again, the two faculty groups agreed that there was no threat in their disagreeing on issues, as long as everyone knew about it in advance, and understood the basis for each view. A key difference arose in the definition of "faculty development." The Senate had just won, in the last state budget, a line item to fund faculty research. This was a significant achievement, arising from the state's review of its Master Plan for Higher Education in California in which the role of research in support of the instructional program was recognized for the CSU. The Senate believed it was important to keep funding rationales for faculty research and faculty development separate in order for the legislature to be willing to fund both. The bargaining agent, however, subsumed research under faculty development. While this had been the traditional CSU position, adopted in order to fund faculty research at all, it also represented an egalitarian view of research in a comprehensive university. After much discussion, the parties agreed to compromise, accepting, for purposes of the PCP only, an operational definition of faculty development separate from research.

The tripartite group continued to meet for two years and produced (non-funded) PCPs on faculty development and faculty research for two budget development cycles. The group had become a shared forum for discussion on budget issues, as well, when administration-bargaining agent relationships over access to the budget process began to deteriorate. The battle was waged over an almost trivial item, an increase in parking fees. It raged for three years, and in the end, the administration had won the battle (the fee increase was upheld) and lost the war (the CSU had suffered a serious loss in credibility with the state legislature).

As part of its strategy in the fight over the parking fees, the bargaining agent suspended participation in the tripartite process. The more traditional labor union members of CFA had always objected to the tripartite process as diluting the union's traditional power at the bargaining table. Now, even tripartite supporters agreed that CFA could not cooperate in the tripartite arena when CFA-administration relationships were so bad in other areas. Meetings were suspended.

The tripartite group has never been reconstituted. This year relationships between the bargaining agent and the administration have improved dramatically. The administration has indicated an interest in reviving the group, but no issues for joint discussion have appeared pressing enough to motivate its serious consideration. There is less motivation for the bargaining agent to share authority with the Senate, and it is possible that as it gains strength, it might even prefer not to do so.

The cooperation of the parties in the CSU study of faculty workload, begun at the same time as the tripartite faculty development discussions, resulted in a successful comparative study of CSU faculty workload. The tripartite process developed strong support from all the parties to accomplish a reduction in the average teaching load for CSU faculty, the first step of which is represented in the agreement reached on the new contract.

Towards the end of the workload study process, as well, interest in sharing decision-making with the Senate clearly declined as relationships between the bargaining agent and the administration improved. In this area, however, it has been the administration that has not wanted to complicate its process with the participation of a third party. The Senate had originally been added to the workload study, in part, because of its insistence that the so-called workload formulas be re-examined in the light of widespread new pedagogues. By the end of the study, however, examination of these formulas had been specifically excluded. Further Senate requests for study of that specific topic were rejected as intruding on negotiable items, and the study has now been included in the new contract agreement, without agreement to Senate participation. This introduces new instability in the relationships among the parties.

Challenges in the Next Phase of Development of the Relationship with the Bargaining Agent

Two areas are emerging in this phase of the relationship among the three parties: the maturity of the bargaining agent with a corresponding shift in the balance of power among the parties, and the need to develop clearer roles for the campus union chapters. Relationships will be complicated further by the difficult fiscal constraints on higher education nationally and by the instability in the CSU central administration due to the current change in leadership. The appointment of a new chancellor with a strong corporate background to head the CSU system will lead to major shifts in authority and power relationships. Especially important is the redefined system leadership role of the twenty campus presidents.

The first challenge occurs at the system level. As the bargaining agent has demonstrated its ability to mobilize forces both within the system and the legislature, it has achieved much of the voice in budget and other matters it has been seeking. The Trustees' mandate to work with the bargaining agent and the desire to avoid further problems with the legislature have caused the administration to focus on the bargaining agent in a way it has not done before. A new balance will emerge in this situation. Even though no one views this as a "zero-sum game," the senate will suffer some erosion simply because the administration will feel more cautious in responding to its requests. Also, there are bound to be some instances where the bargaining agent is used as an excuse not to do something the administration doesn't want to do, just as the senate has been used in the past. The campus presidents will seek a stronger voice both in negotiations with the bargaining agent and in reviewing the recommendations of the Academic Senate.

The second challenge is at the campus level. Improved working relationships at the system level will allow the bargaining agent's focus to shift to development of its campus role. Because all negotiations are conducted at the system level, the role of campus union chapters has depended on campus history and personalities. On some campuses, the chapter speaks effectively for faculty; on others, it is less effective. The relationship with campus senates varies also. Relationships are more collaborative, and more cordial, on some campuses than on others. Campus presidents vary in the degree of cooperation they offer one or both faculty bodies. As the voice of the CFA is strengthened centrally, the campus relationships appear to be the next area for attention.

THE CHANGING BALANCES OF POWER IN HIGHER EDUCATION

C. MUTUAL GAINS BARGAINING: COLLECTIVE BARGAINING AS PLANNED INSTITUTIONAL CHANGE

Maria Curro Kreppel
Vice Provost
University of Cincinnati

In 1989, the University of Cincinnati (UC) negotiation of the agreement between the University and the UC Chapter of the American Association of University Professors (AAUP) occurred under the banner of "mutual gains bargaining." Why and how it occurred, and in what ways it may have initiated positive cultural change for the institution are the key questions addressed in the following analysis. While I cannot assume the stance of an objective observer of the negotiation process, I hope I may offer insight as a reflective participant. Analysis of this negotiation process as planned organizational change reveals, in my view, a model which can be replicated and transferred to a range of organizational settings. Therefore, I have ordered the analysis according to certain behaviors necessary to accomplishing any planned organizational change. If we had had a blueprint, this might have been it.

CREATING THE CONCEPT

The premise is that "mutual gains bargaining" (MGB) is organizational change not unlike any other planned change in the culture of an organization. MGB demands new behavioral patterns, new relational patterns, new organizational rhetoric, new organizational models, and eventually new organizational rules. But first the concept must begin to take shape.

Build the case for making a change. Any environmental scanner worth his or her consultant's fee would readily note several forces at work within the University of Cincinnati during the period before the 1989 negotiations. On the one hand, the preceding negotiation process, sprawling over the 1986 and 1987 academic years (spring 1986 to January 1987) left many feeling bruised and battle-weary. There was no strike, just a preponderance of ill will. AAUP faculty leadership appeared to be struggling, at best, and a bevy of new college deans wondered aloud what they had gotten themselves into. If there was any "shared reality," it was a belief that, whatever the product of this negotiation, it was not worth the process. New contract implementation took place in an environment of lingering, unresolved grievances and rumors of growing numbers of lawsuits. On the other hand, there was the opportunity of building AAUP leadership and a new academic administration, and, above all, the challenge of making operational the new contract procedure of internal mediation.

Mediation sneaked into the 1986-89 Agreement through a side-bar process, with the goal of allowing problem solution to occur before a grievance filing forced individuals to combat. In order to avoid any perception of the mediator as decision-maker and because there was so little trust among us, internal mediation was designed to use two mediators -- one named by the University administration and one by the AAUP. They were charged to work together to facilitate the parties' resolution of the complaint.

Early in 1987, close to one hundred individuals were called together by the AAUP and the University administration to learn how our mediation process would work. Fifty to sixty of them continued training through the spring as potential mediators, and they began practicing their new trade quickly, as soon as merit pay increases were announced. Initial results surprised us all. As we expected, but more quickly than we had hoped, the number of complaint filings rose, while the number of grievance filings -- following unsuccessful mediation -- plummeted. Many complaints, which did not get resolved between the parties in mediation, were not pursued. Mediation often closed, not with resolution, but with a renewed relationship between the parties that made the original issue far less significant. Likewise, relationships were building among mediators who had been strangers to one another. Across the University, a new cadre of deans, department heads and faculty members were informally and privately mediating their colleagues' differences. Concurrently, they were building professional respect for each other and trust in themselves as a group of facilitators for the resolution of University issues. No one disagreed: mediation turned out to be a positive organizational change almost immediately. In the long run, mediation pointed the way to substantively different faculty and administrative relationships at the institutional level.

Capture the creativity and imagination of key individuals. A number of people within the University's administration were struck by the juxtaposition of new proactive behaviors in mediation to old reactive behaviors in AAUP newsletter rhetoric and faculty governance diatribe. They wondered aloud whether institutional leadership could be influenced by the positive problem-solving occurring among individuals. Many concluded that the presence of an organized faculty mandated certain labor-management relationships that were power-based and inherently confrontational. A few dared to dream, however; and their early imaginings were critical to building the concept of mutual gains bargaining, long before it was ever named as such. Three key administrators were hooked early on through various approaches, but with the single-minded purpose of attaining creative buy-in at the top.

For the University's president, the newness of the idea had appeal in and of itself; he was easily enticed to help create a different concept of negotiation for his institution, and he was especially interested in faculty leading the way for other employee groups. He began speaking with administrative colleagues of creating a collective bargaining model wherein faculty and administration would attack joint problems together. As a case in point, he authorized presenting the AAUP/Administration joint benefits committee with the challenge of creating new health care benefit models to address spiraling costs. The committee accepted the challenge, and, though its recommendations fell on deaf AAUP ears, they essentially mapped the territory for the subsequent design of "cafeteria" benefits plans.

For the University's provost, thoughtful analysis and exploration accompanied creative buy-in. Essentially, the more he played devil's advocate, the more he helped to flesh out new bargaining concepts among University administrators. On one occasion, he asked a tennis partner, who happened to be a practicing attorney, if he had heard of such negotiation models. This exchange led to a half-day meeting during which the provost interrogated the tennis player's law partner who had trained at Harvard and exhibited all the devotion of a new convert in his testimony on behalf of Harvard's negotiation project. And so it went. By the time the provost enlisted the deans' understanding and support, he had carefully created his own concept of the proposed change. He could analyze the pros and cons and enumerate unanswered questions faster than they could formulate their own. In this regard, his leadership was especially critical to developing an organizational concept of desired change.

Lastly, the University's vice president for finance bought in early to the concept of gaining a shared understanding of the institution's financial status. Though we are still working toward that lofty goal today, he remains undaunted. Long before negotiations commenced, he was creating budget analyses which he hoped would facilitate shared understanding. For him, involvement was an opportunity to sincerely communicate issues rather than endlessly argue the numerical details. His early creative involvement precluded any hesitation later on to resist full and open dialogue over the University's budget. In fact, next to the bargaining teams themselves, he is likely to have spent the most real time at the negotiation table.

SETTING THE STAGE

Recruit key insiders and credible outsiders to promote the change. The six months immediately preceding 1989 negotiations focused on widening the circle of advocates. Two things were necessary: first, a broadly-representative group of informal University leaders needed to take up the cause for change within their own constituencies; and, secondly, an acceptable "authority" had to be recruited as the standard-bearer who could speak with external objectivity to all sides (read many more than two). As AAUP and administration worked separately to achieve the former objective, we worked together on the second. We also worked, for some length of time, without success. Then, due to a late night conversation with one of the college deans in regard to a visit from his graduate school colleague, we recruited professor Lawrence Susskind of MIT and Harvard. The alliance between the University and Professor Susskind was as serendipitous as is most of life, yet he proved to be precisely the external academic presence we needed.

Establish rationale(s) for the desired change. In November and December 1988, and through January 1989, multiple layers of dialogue occurred with, and through, Lawrence Susskind and our internal advocates. From private meetings of two or four, to a Susskind workshop on general negotiation principles for more than a hundred University faculty and administrators, the dialogue now officially brought AAUP and administration together to focus on the challenge of bargaining differently. Naturally, the predominant question during this period was, "Why should we?" and the myriad answers shaped an organizational rationale for risking change in the negotiation process. Advocates, both internal and external, created understanding of how the proposed process could advance particular interests of each questioner and of all constituencies. Those interests were as disparate as the institutional views of those who held them; they included labor peace, enhancing the influence of AAUP leadership, avoiding negative University publicity, gaining a new contract quickly, creating a cost-effective health care benefits plan, retaining freedom of choice in health care providers and full range of services, decreasing merit pay to assure adequate cost-of-living increases, and increasing merit pay to recognize highly productive faculty.

At this stage of the organizational change process, widespread dialogue was much more than the means to effect change; rather, it was the goal itself. To the credit of all participants, the University began to be able to articulate where there was consensus, where there was informed disagreement, and where there remained unanswered questions. By the end of January 1989, both the AAUP Board and the University Board of Trustees had formally acted to endorse a new negotiation process, now officially named "mutual gains bargaining."

Recognize behavior consistent with the desired change. Mutual gains bargaining was conceptualized as negotiation of interests rather than positions, negotiation based upon shared understanding and measured against objective criteria, negotiation achieved through joint problem-solution rather than conflict and confrontation. To that end, when the time came to name a bargaining team, the administration chose to name individuals already recognized for MGB behavior. Six of the eight team members had served as University mediators, and all held faculty appointments in addition to their administrative titles. Rumor had it that an AAUP board member, observed the AAUP, could have named the very same team, and, of course, that was just the point.

Revise priorities and reallocate resources to support the desired change. All administrative team members were academic administrators; they were deans, associate deans, and vice provosts; they included not only deans of a two-year college, Arts and Sciences, Music, and Education, but also the dean of the College of Medicine. Faculty negotiation, in the past had been largely the priority of non-academic administrators, and this team's composition was intended to signal a radical shift in priorities: that bargaining the faculty contract is indeed important academic business.

Consistent with this shift in organizational priorities was the reallocation of resource support for the process. Because negotiation was projected to be brief -- extending over the ten-week, Spring academic term -- resource support was paramount in the minds of faculty team members. Faculty members and their respective deans worked together to achieve teaching schedules that would accommodate daily, afternoon bargaining, and only then did we apply the contract provisions for released time. On the other hand, and intentionally, no member of the administration team sought or received any back-up support funding. Direct costs of training and negotiation were split between the parties, and the AAUP accepted the services of a newly-minted J.D. hired by the administration to keep the negotiation record and produce the contract text. Later, we agreed to have a single set of minutes, and to use this staff person as a neutral process facilitator at the table.

PLAYING OUT THE CHANGE

Develop a conceptual, rhetorical and behavioral plan to specify the new values and beliefs. Joint team training took place in March 1989, just prior to the start of spring term and formal negotiations. Among the indirect results of training was the production of two planning charts intended to capture the concept, rhetoric and behavior of mutual gains bargaining. They were the product of team members' wrestling with new ideas, new language, and new conduct.

The chart labeled "Mutual Gains Bargaining: Negotiating Continuum" (figure 1), was produced over soft drinks at the end of two days of struggle by both teams to move from meeting each other and sharing some vague notion of "bargaining differently" to hammering out what we really meant and then role-playing the new behaviors as our trainers watched and critiqued us. Everyone left exhausted and, perhaps, exhilarated, too. However, the chair of each team (we eschewed the label of chief negotiator), the Executive Director of the AAUP and I remained behind and, as a foursome, drafted the "negotiating continuum" to capture what we thought we had experienced. In particular, we needed to visualize starting the negotiation without exchanging our respective positions. The graph which emerged displays the intended recurring movement between interests and positions, and it notes the range of emotional investment inherent in each -- from "apple pie" to "locked in specificity."

The second graph produced that day, "Mutual Gains Bargaining: Phases" (Figure 2), displays the overall progress of negotiation -- from initiation to agreement and

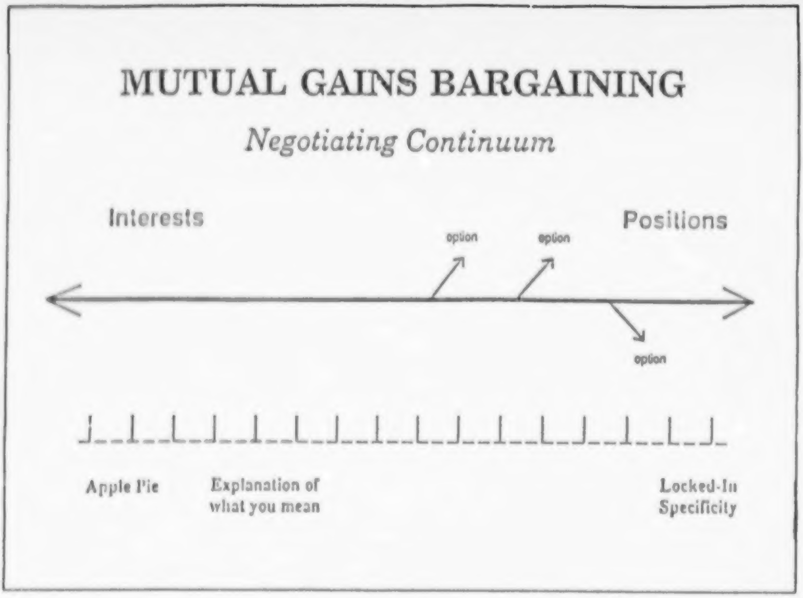
MUTUAL GAINS BARGAINING
Negotiating Continuum
Interests
Positions
option
option
option
Apple Pie
Explanation of what you mean
Locked-In Specificity

FIGURE 1. MGB CONTINUUM.

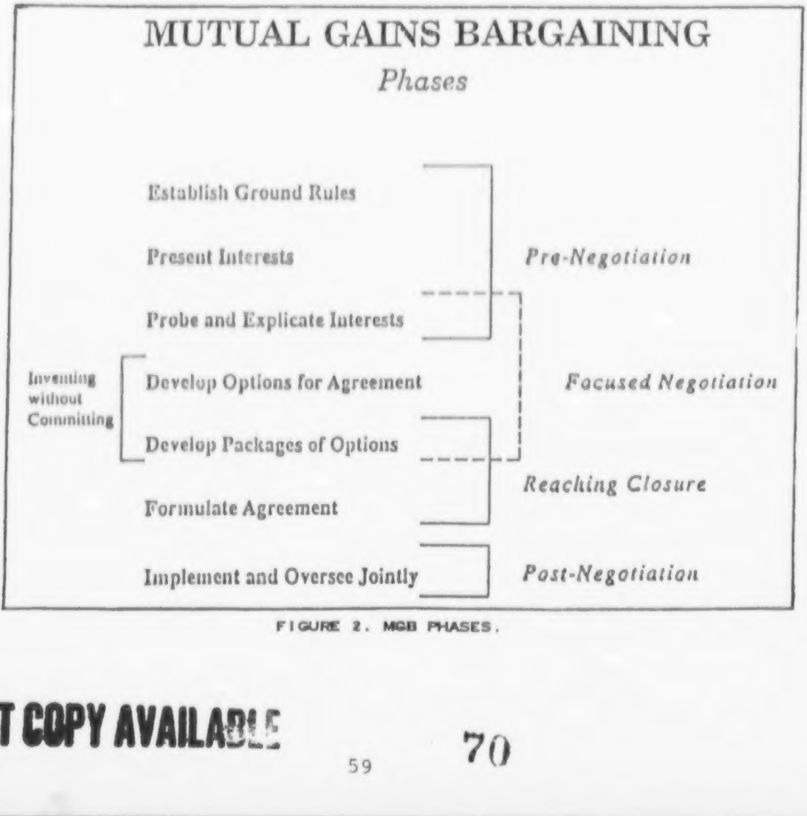
MUTUAL GAINS BARGAINING
Phases
Establish Ground Rules
Present Interests
Probe and Explicate Interests
Develop Options for Agreement
Develop Packages of Options
Formulate Agreement
Implement and Oversee Jointly
Inventing without Committing
Pre-Negotiation
Focused Negotiation
Reaching Closure
Post-Negotiation

FIGURE 2. MGB PHASES.

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implementation. This graph labels the steps along the way and classifies them as pre-negotiation, focused negotiation, reaching closure, and post-negotiation activities. In the days that followed, this representation was referred to time and again as we questioned where we were in the process. Some feared that endless sharing of interests would effectively ward off commitment and a contract. On the other hand, developing options and packages of options remained awkward and unclear next steps.

Change is never easy to experience, and this change was no exception to the rule. As AAUP and administration teams struggled together, the focus turned more often to our respective constituencies (termed "second tables") and how to bring them along as a radically different negotiation process played itself out.

The "Ground Rules for Mutual Gains Bargaining" (see Appendix A), established the code of MGB conduct and led off with an affirmation of second table commitment to the process: "Second tables from both sides are committed to MGB, joint fact-finding, and development of interest statements and options for solutions" (Appendix A, p. 1). Nevertheless, the Ground Rules could not make it so, and second tables for both teams presented unique challenges throughout the process. With more success, the Ground Rules codified expected behaviors of the teams (the first tables), as they dealt with each other.

Model the desired behavior and hold others accountable for behavior consistent with the new values and beliefs. Both teams pledged themselves to honest and open exchange with each other and with their constituencies. More often than not, we succeeded. The AAUP newsletter became the publication medium for the campus as a whole. The University's Office of Institutional Research designed a set of demographic data on the bargaining unit which we continue to update and use today. Overshadowing this positive change, however, was the process of negotiating health care benefits for faculty. That process was long and difficult; it was consistently based upon open exchange of interests and data; it was supported throughout by the application of objective standards to the options created; and, eventually, it yielded a health care benefit agreement recognized by most to be a truly mutual gain.

On the negative side of the balance sheet were tangible problems experienced through the official exchange of our interests, and the related frustrations of the salary negotiation process. The form, rather than the content, of interest-sharing threatened the process occasionally. When, for example, the administration team would speak of interest in academic excellence and the AAUP team would speak of interest in an across-the-board salary increase minimally equal to inflation, one sounded too general to work with, and the other too specific. Indeed, we recognized that any "position" could be reshaped to become an "interest" by simply introducing the proposal with the words "we are interested in," as in "we are interested in 10 percent." Further, teams' various interests were sometimes wrenched into artificial and unproductive alignment. The following statement from an AAUP newsletter offers but one example. It reads: "Interests can be lined up against each other -- i.e., our desire for a collegial atmosphere vs. their desire for merit pay to produce high productivity." Embedded assumptions here -- that merit pay itself erodes a collegial atmosphere and that merit pay itself can entice productivity -- are suspect at best and demand full discussion. However, the juxtaposition of the two interest statements all but prohibits that discussion from taking place by focusing on the contrasting "desires." In this negotiation, the teams failed to achieve a common ground of salary interests, struggled unsuccessfully to define objective standards for salary option testing, and, in the end, fashioned a salary agreement that continues to be a mutual disappointment to many.

THE DENOUEMENT, OR RECREATING OF THE CONCEPT

Could we have done better? Of course. Should we have gone to all the trouble? Yes, undoubtedly. Does the work of achieving organizational change continue? Daily. Behavioral and relational patterns have changed, on the whole, for the better. MGB has likewise altered organizational rhetoric and models. Most recently, an administrative restructuring revealed inclusion of the MGB concept of "shared governance" throughout. With no bargaining effort at all, faculty members gained new voices in administrative decision-making councils. Likewise, work continues on the budget front. Faculty representatives meet often with financial officers as a "Budget and Priorities Committee," and the AAUP's budget consultant has returned to the campus for open discussion of his updated financial analysis.

MGB has spread to other represented employee groups, just as the University's president had hoped. There are relapses, of course, but, recognizably, the University's organizational "rules" are being redesigned. Now, the challenge must be ongoing. If organizational change for the better has occurred, then its concepts must be tested, revised, and strengthened for the institution[s] future. If accomplished, that indeed will be the shared victory.

Appendix A

4/3/89

GROUND RULES FOR MUTUAL GAINS BARGAINING
Between
AAUP and Administration Teams

A. Reporting and accountability to the second table

1.

Admin. Team	- reports to the President who reports to the Board of Trustees - receives advice from the Cabinet - receives advice from the Council of Deans
AAUP Team	- reports to the AAUP Board through the President - receives advice from the Bargaining Council - receives advice from bargaining unit members

2. Admin. second tables are "on-call" as needed by the Team.

   AAUP second tables are scheduled regularly for meetings.

   Second tables from both sides are committed to MGB, joint fact-finding, and development of interest statements and options for solutions.

3. Both Teams will issue jointly written reports to both second tables from time-to-time, and reserve the right also to issue separately written or oral reports to their own second tables, respectively. Both Teams pledge to keep the tone of separate reports consistent with the spirit of MGB.

4. When the AAUP News is published and has information about negotiations, there will always be a "From the Table Report" written by a member of the AAUP Team. It will be reviewed in advance by the chair of the Admin. Team for purposes of clarity, but not editorial review. The purpose will be to keep bargaining unit members informed about the issues, interests and options being discussed.

5. Reports given regularly to the Faculty Senate by Presidents of the University and the AAUP will be based on jointly issued reports from the Teams and be limited to matters of process and description of subjects under discussion. President Steger is bound by the limitations imposed by Ohio labor law and SERB regulations.

6. In the spirit of MGB, negotiating team members will refrain from discussion of negotiation issues with

members of the other side's Second Table. Second Tables are encouraged to let the process of negotiating occur at the Table.

7. Rumors that affect negotiations will be brought to the Table for discussion by the Teams.

B. Press Relations

1. Both sides agree to seek to manage communication for mutual benefit of community (UC and beyond). The press will not be blacked-out.

2. Press releases will be jointly released, from time to time, based on jointly written second table reports. Greg Hand will draft these press releases and they will be reviewed and approved by Jim Hall from the AAUP and Maria Kreppel from the Admin. before release.

3. Each side will have one official spokesperson for the press; other press contacts are forbidden.

Admin. - Maria C. Kreppel
AAUP - James M. Hall

C. Negotiating Ground Rules

1. A common record (dated and numbered) of each negotiating session will be kept by Lynne Rissover, Staff Assistant. It will be reviewed for corrections by both Teams at the beginning of the next session or as soon as possible.

2. We will invite Student government to appoint two student representatives to attend negotiating sessions as observers. They may submit written comments and recommendations to both Teams. They must adhere to the ground rules and maintain confidentiality. One member from each negotiating Team will orient the students to the MGB. Students are limited to the use of the jointly written Second Table reports when reporting to Student Government.

3. Both teams agree that the joint team meetings will be conducted informally. Anyone who has to leave a joint session to meet another obligation will give everyone advance notice as a courtesy. Agenda for meetings will normally be set by the chairs of the two teams and will be established before adjournment of each meeting.

4. The time-limit for caucuses will be flexible and subject to agreement at the time of caucus. In the event that a caucus is called without such a discussion, it will be understood that the time-limit will be twenty minutes.

5. The two teams agree jointly to work to reach agreement about the demographics of the bargaining

unit with the help of Cary Brewer, Director of Institutional Research.

6. On matters such as budget and benefits, a mechanism will be developed jointly for the purpose of investigation and establishing understanding. Members of the second table may be invited only to hear presentations.

7. Both teams agree explicitly to separate invention from commitment and creation from analysis. They also agree explicitly to avoid closure on single issues and will: trade options, link issues, and develop packages.

8. Attorneys for the AAUP and the Administration teams may be consulted as appropriate, but will be permitted to attend sessions, only by mutual consent and only as silent observers, unless joint agreement otherwise.

9. Facilitators, including FMCS, will be consulted as needed, by mutual agreement. However, either side may consult with the staff from the Harvard Project without mutual consent. It is also understood that this ground rule is unrelated to the provisions of Article 42, of the collective bargaining agreement.

10. Sub-committees from the two teams may be used to generate ideas and develop options about specific topics. It is acceptable to add other people outside the teams to the sub-committees. The purpose for which sub-committees are formed will be established by mutual agreement.

11. These ground rules may always be modified by joint agreement of the two teams.

5/2/89

GROUND RULES FOR OPTION DISCUSSIONS

1. No discussion beyond the table until mutually agree to release.
2. No option is too outrageous.
3. Avoid closure on single issues.
4. Free to invent without criticism; probing link between interest and option is desirable.
5. Criticism and revision follow the invention stage.
6. Need minimum of two options per interest category. (All options come in pairs).

THE CHANGING BALANCES OF POWER IN HIGHER EDUCATION

D. THE TOUGHEST BARGAINING ISN'T ALWAYS WITH THE OTHER SIDE: MUTUAL GAINS BARGAINING AT THE UNIVERSITY OF CINCINNATI

Elizabeth Sato, Executive Secretary
American Association of University Professors
University of Cincinnati

As it prepared for negotiation of its eighth collective bargaining agreement, the faculty at the University of Cincinnati, represented by the American Association of University Professors (AAUP), decided to move from adversarial, "traditional" negotiations to a "mutual gains" approach. The deliberations about the sort of bargaining to engage in, who would train us in a new style, and the training itself, occurred during the summer and fall of 1988, and early 1989. Actual negotiations, using the "mutual gains" approach, began in April 1989, and were concluded in June 1989, almost three months prior to the expiration of our contract. The resulting contract was ratified by a solid majority of the membership.

The process of these negotiations, the dynamics between the teams, and the resulting agreement, have been subjected to detailed scrutiny by members of the Harvard Project on Negotiations. What I want to focus on are the dynamics of the relationship between the AAUP negotiating team, defined as the "first table" and the two "second tables" -- the AAUP Executive Board and the AAUP Bargaining Council. To those of us on the negotiating team, it often seemed that we had a harder time convincing our own people of our progress, and the virtues of our potential solutions, than we did the administration team. While this is not unknown in traditional negotiations, the contrast became more striking under the "mutual gains" approach, as we used it with considerable success at the "first table," and were often faced with more traditional views when we talked with the "second tables."

This essay will discuss the relationship between the AAUP negotiating team, the Executive Board and the Bargaining Council, within the context of a focused period of negotiations. It will also explore the implications for a collective bargaining agent of a change from "traditional" to "mutual gains" bargaining, and how it may affect the interactions of the agent's governance structure, as well as our interactions with the administration.

During the course of using "mutual gains" bargaining to negotiate our eighth contract with the administration of the University of Cincinnati, the AAUP team found that perhaps our hardest negotiations came, not with the other side, but with our own "second tables" -- the AAUP Executive Board and the Bargaining Council. In order to understand this dynamic, let me describe the structure of the AAUP Chapter. For the purposes of this discussion, the bargaining unit will be considered as a "third table."

The governing body of the Chapter is an elected Executive Board consisting of a president, vice president, secretary, treasurer, three at-large members, the immediate past president and the chair of the Bargaining Council. The constitution requires that the vice president be a member of the negotiating team. The Executive Board has the authority to make decisions about the acceptability of any proposals or settlement, and sets the general guidelines for the negotiations.

Beyond the Executive Board, the Chapter also elects a Bargaining Council based on a proportional representation of the AAUP membership in each college. In the past, this group, numbering between 30 and 40, has been charged with drawing up the proposals, establishing priorities for negotiations, and recommending a final set of initial demands for the bargaining team to present to the administration. As negotiations progress, the Council would meet from time to time to hear reports from the negotiating table, provide feedback on any new proposals, and keep the team in touch with the views of the broader membership. When a final contract agreement had been reached, the AAUP Executive Board made a recommendation of acceptability to the Bargaining Council, which then accepted or rejected the package and sent it on to a meeting of the entire bargaining unit prior to a mail ratification vote.

This particular configuration of AAUP Executive Board, negotiating team and Bargaining Council had worked with varying success during earlier negotiations. Since most of our negotiations tended to extend over a spring and summer, and in tough years well into the fall, keeping the larger group of the Bargaining Council engaged, especially over summer holidays, was not always possible. The Bargaining Council was always ready to jump back in at the end of the process and issue its verdict of the quality of the negotiated package. When necessary, it proved effective in rallying the membership for needed actions (informational picketing, etc.). As a deliberative or creating body, however, its work was pretty much completed when the union's initial demands were put on the table.

Both the tempo and the process of "mutual gains" bargaining changed the relationship among the three groups. Working with these two separate constituencies, and balancing their needs and interests with those of the process, made the task of the negotiating team more challenging. And, while the AAUP Executive Board assisted the negotiating team to work with the Bargaining Council, much of the work of communication and negotiation was left to the team.

The AAUP Executive Board began looking into using "mutual gains" bargaining during the summer of 1988, almost a year before negotiations were to begin. As discussions continued within the AAUP Executive Board, several decisions were made about conditions under which "mutual gains" bargaining could be carried out at the University of Cincinnati:

1. The process would have to be open, not hidden behind closed doors with a shutdown of information to the bargaining unit. If limits were to be imposed on newsletters, as they had been at other places using "mutual gains" bargaining, then there would have to be more meetings to keep the unit in touch as negotiations progressed.
2. There would have to be extensive joint training for both the teams and the "second tables" for both parties. A corollary to this was that the president's cabinet and members of the board of trustees must be willing to attend at least the general training sessions.
3. The costs of training and bargaining would have to be shared with the administration.
4. Bargaining had to occur while the unit members were on campus, not during the summer when the unit is dispersed.
5. Team members on both sides (but our major concern was with the faculty) had to have released time from teaching or other duties.

The AAUP Executive Board developed these conditions during the course of the summer and the fall, as it debated whether or not "mutual gains" bargaining would serve the interests of the unit. In the late summer, the AAUP Executive Board sponsored a presentation on the "mutual gains" bargaining process by representatives of the Department of Labor and the Federal Mediation and Conciliation Service (FMCS). AAUP stalwarts, past presidents and board members, prior team members and others were invited to attend. After the presentation, the Board tentatively decided to use "mutual gains" bargaining, and began a search for someone to train the teams. Simultaneously with this process, the administration was having similar discussions about "mutual gains" bargaining.

In the early fall, the administration and the union began to search for appropriate trainers. Independently, we had come to the conclusion that we needed trainers with academic credentials. In part, this was to give an aura of legitimacy to the training and to diffuse the feelings that we were beginning to sense from our constituencies that "mutual gains" bargaining was all too friendly a process. From the AAUP unit, there began to be talk about "mutual gains" bargaining being a "sissy" process that would destroy the union.

In November, as discussions about a trainer continued, the AAUP sponsored a panel discussion. This meeting, with advocates and critics of the "mutual gains" bargaining process, was open to the entire bargaining unit and any administrators who wanted to attend. This program also served to introduce us to Lawrence Susskind, who we were hoping to get as our trainer for both the AAUP constituency and to key members of the administration. Susskind had a grant from the Department of Labor, through the Harvard Project on Negotiations, to train participants and observe results of "mutual gains" bargaining at three different sites. We hoped to become one of those sites and eventually we did, once the decision to use "mutual gains" bargaining was made.

One of the conditions about joint training was met in early December, when Susskind and a team from the Harvard Project on Negotiations came to spend a day in general "mutual gains" bargaining training. This was before either the administration or the AAUP had fully committed to the process. The AAUP invited members of the Bargaining Council, former Chapter leaders, and the present Executive Board. On the administration side, the president and most of the vice presidents, deans, representatives of the University's Office of Labor Relations all attended. All told, over 100 people took part. A major breakthrough for both sides occurred when a former union president, who was not known for liking the University president, ended up in the same group as the University president. At the end of the exercise, they proudly announced that they had solved the problem together.

Shortly after that training session, the AAUP made the decision to try "mutual gains" bargaining and selected a chief negotiator who firmly believed that it would work. The rest of the team was selected based on expertise in various areas, but all endorsed the concept of "mutual gains" bargaining, though some were more enthusiastic than others.

The second step in joint training occurred in March at an off campus site. Again, a large group of administrators and AAUP members participated in a Friday afternoon session. The two teams stayed over the weekend to do more intensive training by role-playing a simulated "mutual gains" bargaining situation with roles reversed -- the AAUP acting as management and the administrative team acting as the union.

To sum up the training phase, the key element that had a later effect on our relationship with the "second tables," was that, as you might expect, the teams were trained in "mutual gains" bargaining techniques much more intensively than the Bargaining Council or the AAUP Executive Board. In the simulation, the teams had an opportunity to actually participate in "mutual gains" bargaining over an extended period of time. Once actual negotiations began, this difference in level of exposure and comprehension played a major role.

Negotiations were scheduled to begin shortly after the training. So, the time between the end of training the teams and the teams' putting what they learned into practice was relatively brief. In that interval, the AAUP Bargaining Council met on an almost weekly basis to develop interest statements and do background work to help the team support its interests as the negotiations began.

Since not all members of the AAUP Bargaining Council had participated in the training sessions, and since some members elected to the AAUP Bargaining Council were skeptical about "mutual gains" bargaining, there were some meetings during which as much time was spent on the process as on the development of interests. Team members felt, however, that this was time well spent. As advocates of the process, we were enthusiastic about its potential and wanted everyone to understand it. Nevertheless, part of the AAUP Bargaining Council still kept presenting "positions" for the team to take to the table. As the start of negotiations approached, the team became more protective of the process, wanting to do it right and make the University of Cincinnati experience a successful experiment. In the end, the AAUP Bargaining Council gave the team a set of guidelines on most issues and left it up to the team to turn them into what was, for the team, acceptable interest statements.

This tension between the AAUP negotiating team and the AAUP Bargaining Council continued at varying levels of intensity for the duration of the negotiations. None of us involved in negotiations really had time to analyze the reasons for the tension at the time, since we were at the table at least four afternoons a week from noon until 4:00 or 4:30 p.m. Once a week, after a negotiating session, we would meet with the AAUP Bargaining Council to report on progress. It was at these meetings that the disparity in outlooks manifested itself most clearly. Often the negotiating team would arrive at the meeting, after having spent productive hours brainstorming with the administration's team, creating what we felt were imaginative options to various issues, only to be greeted by our own colleagues with a version of "What did you get for us today?" Or, often, "What did you give away this time?" Or sometimes, since the AAUP Bargaining Council did not really understand that creating options meant considering as many possible solutions as we could generate, even those we might not like, we would be grilled over "What do you mean you're considering extending the probationary period beyond seven years?" The conflicts tended to be most intense over money issues and benefits.

In retrospect, several reasons for this tension between the AAUP negotiating team and the AAUP Bargaining Council became apparent. First, in moving into the new "mutual gains" bargaining process as quickly as we did, the AAUP Executive Board did not have time to think through the question of whether the AAUP Bargaining Council should alter its role from past negotiations. At the same time, because of the AAUP Executive Board's commitment to an open, non-secretive process, it felt that it was important to have frequent AAUP Bargaining Council meetings. In past negotiations, the AAUP Bargaining Council's work was pretty much finished when the teams sat down at the table and the information was disseminated through newsletters. On the AAUP Bargaining Council's side, it felt an involvement in the process and a responsibility to keep the AAUP negotiating team honest, as it engaged in this new process of non-adversarial negotiations with the administration. In part, the AAUP Bargaining Council saw itself as a watchdog.

For the AAUP negotiating team, the result was that the administration team appeared to be eminently reasonable people who understood "mutual gains" bargaining, and who, for the most part, were comrades involved in a common venture. On the other hand, the AAUP Bargaining Council acted out adversarial negotiations with the team and appeared not to truly understand the "mutual gains" bargaining process. In our darker moments, we wondered why we were negotiating for people who seemed to appreciate our efforts so little.

If the AAUP negotiating team's relationship with the AAUP Bargaining Council often took on an adversarial tone, its relationship with the AAUP Executive Board was more problematical. Members of the AAUP Executive Board had had somewhat more exposure to the principles involved in "mutual gains" bargaining because of their discussions about whether or not to use the process in negotiations. Once that decision was made, most AAUP Executive Board members supported the process, some more enthusiastically than others. Several skeptics remained, and kept reminding the AAUP negotiating team that if "mutual gains" bargaining did not work, we had other methods to fall back on. If it had absorbed the theory and terminology of "mutual gains" bargaining, the AAUP Executive Board was not always successful in putting theory into practice. At AAUP Executive Board-negotiating team meetings, Board members often became positional. They appeared to be less amenable to a "what-if" approach than were negotiating team members. Despite the fact that the team's negotiations with the Board often slipped into an adversarial mode, the good relationships between the individual members, built during prior meetings discussing the "mutual gains" bargaining process, helped to avoid any deep fissures which might otherwise have appeared. There were times when, at least part of the negotiating team, thought that the Board was being unreasonable. Nevertheless, because most of us wanted the process to be successful, we did our best to deal with minor explosions as they arose and to not let these upsets deter us from the goal of using the process to produce a fair and workable contract.

As the AAUP and the administration approach the 1992 round of negotiations, we are once again considering using the "mutual gains" bargaining process. It may be hard to teach old dogs new tricks -- but not impossible. One of the key tenets of "mutual gains" bargaining, as we learned, is to focus on the problem, not the person.

THE CHANGING BALANCES OF POWER IN HIGHER EDUCATION

E. THE IMPACT OF THE CALIFORNIA COMMUNITY COLLEGE REFORM ACT ON COLLECTIVE BARGAINING

Gwen Hill, President
American Federation of Teachers, College Guild Local 1521
Los Angeles, California

THE CALIFORNIA COMMUNITY COLLEGE REFORM ACT (AB 1725) -- POTENTIAL IMPACT ON COLLECTIVE BARGAINING IN CALIFORNIA

Richard Alfred, Associate Professor and Director of the Community College program at the University of Michigan, calls governance "the process for locating authority, power and influence for academic decisions among internal and external constituencies in the Community Colleges."

In California, the first statutory authorization for what evolved as a community college system took place in 1907. Then in 1917, the legislature enacted the Junior College Act providing financial support for courses offered by high school districts, which included mechanical and industrial arts. Between 1917 and the development and implementation in 1988 of AB 1725, the California Community College Reform Act, over 3,000 different statutes were adopted regulating community college governance. Approximately 950 statutes in the California State Education Code prescribe the powers and duties of the system-wide or state-level governing body -- the Board of Governors, a body of gubernatorial appointees. And another 2,025 statutes in the California State Education Code regulate the powers and operation of the local level. More than half, 1,750, of these statutes, have been adopted, amended, or repealed since 1978.

By way of contrast, over the same period of time, the number of statutes governing the University of California system was 250 statutes, and the number for the California State University System was 450 statutes.

It is evident that authority and power for higher education governance was located at both the local and state levels in a pattern evolving toward centralized bureaucratic control at the state level. Equally evident was an overwhelming need for reform, and community college governance reform was one of the primary intentions of AB 1725.

THE BACKGROUND OF AB 1725

Originally, AB 1725 was to designate expressly the system as a community college system and a part of the higher education system of California. The original intent was also to make legislative findings and declarations concerning the system. It established certain responsibilities of the Board of Governors in areas that included the monitoring of the districts and a review of fiscal management. It required the Board of Governors to conduct a thorough review of all statutes affecting the administration and operation of community colleges. AB 1725 also required the Board of Governors to develop policies and guidelines concerning the academic senate and standards regarding the role of students in governance. In addition, the law included the revision of missions and goals and directed the Board of Governors to develop, in conjunction with the University of California and California State University, a common core curriculum in general education courses and lower division major-preparation curricula for purposes of transfer. As stated in AB 1725:

> The background prompting this reform has been described as an unprecedented challenge in the coming two decades, as California undergoes a major demographic, social, and economic transformation. The community colleges are at the center of this change, and the state's future as a healthy and free, diverse, and creative society depends in major part upon the commitments expressed through and in the community colleges. . . .
>
> The community colleges embody an historic commitment to provide an opportunity for college instruction for all Californians capable of benefiting from instruction. The community colleges have historically founded their mission . . . to meet the needs of different communities -- urban and rural, middle class and poor.
>
> The legislature is committed to. . .[a] vision in which California remains a place of opportunity and hope . . . where innovation and creativity mark our economy and our culture, and where the minds and spirits of all our communities contribute to our common future. The community colleges will be at the heart of whatever effort we make to ensure that the future is equitable and open.

I support the concept of shared governance in the sense that it can be utilized as a means by which faculty, students, administration, and outside constituencies can participate in the decision-making process to ensure the integrity of the educational mission. As part of the Board of Governors' responsibility for implementing AB 1725, the bill requires the Board to revise or update sections of the California State Education Code which were inconsistent with the reforms. In the specific area of governance, the bill directs the Board of Governors to develop guidelines for the participation of faculty as represented by the academic senate in the areas of "curriculum and academic standards":

> Minimum standards governing procedures established by governing boards of community college districts to ensure faculty, staff and students the right to participate effectively in district and college governance, and the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration, and the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

Herein lies the strength and the weakness in AB 1725. The bill expressly states that the Board of Governors shall not delegate any power that is expressly made nondelegable by statute." Any rule-designating authority "shall prescribe the limits of delegation." The Board of Governors, in developing minimum standards that govern procedures for participation in governance by the academic senate, nonetheless set out and succeeded in strengthening the power of the senate at the expense of collective bargaining in California's community colleges by adding language that went beyond the original intent of the legislation.

THE UNION'S ROLE IN THE DEVELOPMENT OF AB 1725

At this time I would like to address the role the union played in the legislative process that led to AB 1725, as distinct from the role the union played in the Board of Governors' development on the Education Code revisions, which were designed to implement the reforms. In 1986, the California State Legislature created a commission whose charge it was to open up the Master Plan for Higher Education, access the mission, structure, and function of each segment of higher education: the University of California, California State University and the community colleges. The commission was also asked to research the operations of each segment, alone and in relation to each other, to determine the achievement of goals and identify the areas of weakness. For example, transfer rates between community colleges and the other two segments were identified as an area needing attention or reform, as was the need for all three segments to jointly participate in the development of articulation agreements and a common core curriculum.

This Commission to Review the Master Plan conducted public hearings as it studied each segment and invited each segment's particular constituencies, both internal and external, to present papers and testify. The unions participated in presenting papers and testifying in areas pertinent to our interests. The Community College Council of the California Federation of Teachers attended all the proceedings and organized representation and input from locals at these public hearings as they moved up and down the State.

The Commission process took about a year to complete and submit its report and recommendations on community colleges to the state legislature. This report became the basis for the development of a statutory committee in the office of

Assemblyman John Vasconcellos, who hired a special education consultant to draft the actual language of the Community College Reform Act, AB 1725, by working with all the community college constituent groups which included the unions, the academic senate, the trustees, the CEO's, administrators, staff, an independent faculty group, and students. Representatives of these groups would soon form a statewide coalition group called, "The Californians."

Not only was my local represented by the Community College Council at the state level, and provided with timely reports about the development of AB 1725's language, but our local also monitored and supported the process by sending its own representative. In retrospect, there is no question that the process leading to the adoption and implementation of AB 1725 was open and democratic. The union, particularly the Community College Council, the state organization representing the American Federation of Teachers (AFT), had a strong role in developing the specific language in AB 1725, by working to arrive at a consensus with the other community college coalition members. Once the language was drafted to the agreement of all parties, it went back to the legislature for approval and appropriation of funds to implement the reforms over a three-year period commencing in 1988.

It is probably important to state that as written and adopted, AB 1725 did not pose any problems for collective bargaining. The power of the faculty was enhanced through the academic senate whose decision-making role in "curriculum and academic matters" was expanded. The Board of Governors began the process of developing guidelines or revising the statutes in the California State Education Code. Collective Bargaining and the power of the union were negatively impacted during this phase.

THE IMPACT OF AB 1725 ON COLLECTIVE BARGAINING

These changes in the California State Education Code, which revised the intent of AB 1725 in practice, were made in a political arena outside the legislative process which was not as open or democratic as the process which gave us AB 1725. Unfortunately, state union representatives, working with "The Californians" agreed to consensus language strengthening the power of the academic senate because, as one coalition member characterized it, the Governor's conservative Board of Governors, which includes two former State academic senate presidents, "made it inevitable." Advisement and requests for input from the union locals was clearly lacking during this part of the process. Although unaware of the threat when we began our inquiry, it was not until the revisions were ready for implementation that my local, Local 1521 of the American Federation of Teachers (AFT), became aware of the real threat to collective bargaining. As previously stated, Local 1521 and I support AB 1725, and the original intent of shared governance. Even so, we were alarmed to learn of the Board of Governors' Revisions to Existing Title 5 Regulations on Academic Senates, (AB 1725 Appendix), which makes fundamental changes that exceed the language and mandate of AB 1725 itself.

For example, AB 1725 clearly states that the academic senates shall assume primary responsibility for making recommendations in the specific areas of "curriculum and academic matters." The Revisions were written to strengthen the senates and allow them to make unilateral recommendations in all "professional matters." In the Revisions, the academic senate is given primary responsibility for making decisions in areas that have been the long established jurisdiction of the union.

AFT Local 1521 general counsel, Larry Rosenzweig, responded on October 8, 1990:

> . . . The open ended nature of the subsection authorized districts and academic senates to extend the scope of the definition into unspecified areas. In my opinion, this goes well beyond the authorization given by the various statutes which are referred to as AB 1725 and carries the strong potential of interfering with the scope of collective bargaining . . . . I believe that 53200(c)(11) is broader than the legislation which authorizes the regulations. It is impossible to tell how this regulation will be implemented, but I believe it allows districts and academic senates to carve out areas which properly belong in collective bargaining negotiations. Accordingly, I believe that subsection (11) is illegal.

The legislators intended to clarify the academic senate's role in academic areas but not at the expense of faculty governance as provided by collective bargaining. It is obvious that there was a move to do so, but at another level. In a report authorized by the Commission for the Review of the Master Plan, one finds the seed planted where it describes the academic senate's role: "The Board of Governors strengthen the role of faculty senates with respect to the determination and administration of academic standards, course approval, hiring, retention and evaluation of faculty, and other academic functions."

References by the Commission have been made about relative strength between senates and unions in the community colleges: "The faculty collective bargaining unit is stronger than the senate in many districts in part because the community college senates, operating under a different collective bargaining law, have not been able to gain the same protection enjoyed by the UC and CSU senates." They also add in the same report, however:

> The advent of collective bargaining has done little to strengthen the CSU Academic Senate. The Higher Education Employer-Employee Relations Act (HEERA), which covers both UC and CSU, states that the "joint decision making and consultation between administration and faculty or academic employees is the long-accepted manner of governing institutions of higher learning" and goes on to say that nothing in the collective bargaining law "shall be construed to restrict, limit, or prohibit the full

> exercise of the functions of the faculty . . . . The principle of peer review of appointment, promotion, retention, and tenure for academic employees shall be preserved." Thus, the act appears to provide strong, continuing protection for the CSU Academic Senate, just as it does for the Academic Senate, as well as for the concept of collegial governance.

One wonders why the authors of the revisions felt the overwhelming need to try to weaken one faculty constituency as represented by the union for another, rather than advocating continuing protection for all and cooperating with the existing leaders in place, who had shown a desire for reform. A recent Rand Corporation study of selected unions established that strong union activists become effective collaborators in reform. We are, after all, members of the faculty. As previously stated, there were some individuals involved in the second phase of implementation who did not operate in an open, democratic manner, and poorly represented the union constituency by allowing the language in and, in one instance, by writing some of the language. This questionable collaboration resulted in the establishment of a task force by the Community College Council after the leadership of Local 1521 investigated the matter and presented legal opinions. AFT Local 1521 general counsel, Larry Rosenzweig, in response to our inquiry, made the following report:

> Administrative regulations which are not authorized by or which are inconsistent with state law are void. Administrative regulations must be within the scope of authority conferred by state law on the administrative agency. If an administrative agency enlarges the authority given to it, its actions are void . . . . Education Code Section 70902(b)(7), which is part of the AB 1725 Legislation, requires the Board of Governors to ensure, among other things, "the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards . . . "
>
> Section 53200(c) of the revised regulations states: "Academic and Professional matters' means the following policy development and implementation matters . . . ." There are a set of definitions in subsections 1 through 10 and then subsection 11 states: "Other academic and professional matters as mutually agreed upon between the governing board and the academic senate." With respect to Subsections (1) through (10), the language of the definition can be compared to the Education Code language to determine whether the language relates to the areas of

> curriculum and academic standards. However, pursuant to Subsection (11), if there is mutual agreement between a governing board and an academic senate, "academic and professional matters" means "other academic and professional matters." This is obviously circular language. If the language is taken literally, then the parties can mutually agree to designate a particular issue as an academic and professional matter, even though that particular issue is not denominated as such in either state law or in the regulations. This presents the basic reason why I believe Subsection (11) is illegal.
>
> The subsection given governing boards and academic senates the right to go beyond curriculum and academic standards if they mutually agree that the subject discussed is an academic and professional matter.

Because we felt strongly about the potential negative impact of collective bargaining, we also forwarded the bill to AFT general counsel, Lawrence A. Poltrock, who represents our national organization. His response, dated November 13, 1990, concurred with our own counsel:

> . . . I can only conclude after reviewing all these documents as well as Section 53200(c)(11) that in the true sense of the word, we are discussing preventative medicine versus possible surgery. For the following reasons, I recommend that we attempt to modify, correct . . . the language of Section 53200(c) . . . the regulation interpreting AB 1725 is clearly an attempt by the Board of Governors to broaden the powers of academic senates and college districts beyond the specific power granted under the legislation . . . .

Although the president of the Community College Council, who represented AFT, and the southern vice president, who served as his alternate on "The Californians," disagreed with our legal counsels, the Community College Council unanimously supported Local 1521's position which was represented to them on December 1, 1990. They requested that a task force prepare guidelines to the Revisions. This task force is headed by two of our most prominent labor lawyers, Larry Rosenzweig, Los Angeles, and Robert J. Bezemek, Oakland. The attorneys' findings, in a Community College Council memo of February 15, 1991, include the following:

> - In AB 1725, the Legislature sought to strengthen the participation in college governance of faculty and staff, but not at the expense of collective bargaining. Thus, staff participation should not intrude on matters which are subject to collective bargaining, where there is a faculty union recog-

nized or certified as the exclusive representative.

• Since the scope of negotiations is not always precisely fixed, there is a danger that district or college governance committees and procedures could result in inappropriate and unlawful intrusions on the scope of bargaining . . . .

• Simply because a topic under discussion has not been included in a collective bargaining agreement, or is not then under discussion or negotiations for inclusion does not mean that the topic can be discussed within the governance framework or that the topic is not subject to collective bargaining.

• The Public Employees Relations Board has held that the unilateral adoption of policies which are not in a contract, but are within the scope of representation, is illegal.

• The list of permissible subjects for consultation in Section 53200 (of the Education Code) is limited by the EERA:

> (A) Section 53200 (c) (6) includes "district and college governance structures, as related to faculty roles" in the definition of academic and professional matters. Collegial consultation on this subject pursuant to 53200 (d) cannot legally lead to the creation of any organization or the participation in any activity which would undermine the ability of the exclusive representative to negotiate with the district.
>
> (B) Section 53200 (c) (10) (processes for institutional planning and budget development), cannot legally be used to make decisions about allocation of district money which would interfere with the ability of the exclusive representative to negotiate wages or any other matters that have economic consequences, including faculty promotion or upgrading.

• Section 53203 (e) allows the Academic Senate to assume responsibilities and perform functions that may be delegated to it by the governing board of the district, pursuant to Section 53203 (a). However, the Governing Board may not legally delegate any responsibilities or functions which belong to the exclusive representative, such as collective bargaining or grievance handling.

It amazes me when people try to separate the union and its mission from its constituents. I am, for example, an educator, a professor of humanities/history and the elected chief executive officer of a professional organization that represents the faculty, staff, and police units of our district. As a union advocate, I am not an outsider. I have been elected by my peers. I am a believer in shared governance, but not at labor's expense. We have worked long and hard to bring about shared governance. In our contract with the Los Angeles Community College District, the union has already negotiated with our district what many teachers in other districts are still striving for.

LESSONS LEARNED

The organizers of this conference asked me to make some recommendations to union leaders. I strongly recommend to union leaders that they monitor any legislation that falls into this shared governance area and be sure that representatives who are assigned to speak for the union truly speak for the union. Unions usually have a process that directs those representatives to stay within the parameters of union policies and gives them the long range view of union objectives. Union leaders and representatives should not nap while back room politics are taking place under the guise of committees. Changes come through the back door as well as the front door, and we must therefore be vigilant. Union leaders should work closely with their colleagues in the senate. As previously stated, I support the concept of shared governance, as does the AFT.

Hostile management representatives under certain conditions may try to place a wedge between the two professional groups. We should not let that occur as we should not be perceived as competitors, but rather as colleagues working toward similar goals. What we are all about is providing the best approach to provide quality education for our students with a sense of deep pride and satisfaction in the way we accomplish it. There has to be a series of checks and balances to keep administration focused on students and the instructor in the classroom.

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F. FACULTY EMPOWERMENT IN AN ERA OF CHANGE: THE UNION'S ROLE IN IMPLEMENTING THE CALIFORNIA COMMUNITY COLLEGE REFORM ACT

Diane Crow, Managing Executive Director
Community College Association
California Teachers Assn./National Education Association

PREFACE

The California legislature passed a landmark bill in September 1988, the California Community College Reform Act (AB 1725). It was the second major revision of the state's historic Master Plan for Higher Education, adopted in 1960. The reform measures have been grouped into eight areas: 1. Mission, 2. Governance, 3. Finance, 4. New Programs and Service, 5. Affirmative Action, 6. Employment Policies, 7. Accountability, and 8. Conditions and Appropriations (Comprehensive Analysis).

A major intent of this legislation was to clearly align the community college segment with the other post-secondary segments, the California State College and University system and the University of California system. To that end, elements of its K-12 origins were jettisoned, and features of the four-year systems were adopted, e.g., abolition of credentials and creation of faculty service areas, an extended probationary period now referred to as the tenure review period, and a mandate to include a peer review process as part of the faculty evaluation.

Equally important in this statutory shift shedding K-12 trappings was a new iteration of the value of collegiality (or "shared governance"). To assure collegiality, AB 1725 required the Board of Governors to develop policies and guidelines for strengthening the role of local academic senates regarding the determination and administration of academic standards, course approval and curricula, and other academic matters, and also to ensure roles for faculty and academic senates in governance (CA Education Code section 70901 (b)(1)(E)). Furthermore, the Act provided that, by 1993, the Board of Governors would review the collective bargaining law for a delineation of roles and responsibilities of the academic senates and collective bargaining agents, particularly in light of changes made in faculty roles (Comprehensive Analysis).

The Educational Employment Relations Act (EERA), granting collective bargaining rights to K-12 and community college employees, was passed in 1975. The Higher Education Employment Relations Act (HEERA), covering the CSUC and UC systems, was passed three years later in 1978 (Pocket Guide).

The EERA replaced a less comprehensive "meet and confer" statute covering K-14 districts with National Labor Relations Act (NLRA)-based concepts including: 1. An agency to administrate and enforce the law, 2. Exclusive recognition of a single employee organization, 3. Definition of the scope of bargaining, 4. Definition and process for unfair labor practices, 5. Inclusion of binding arbitration in the collective bargaining agreement, 6. Agency shop, and 7. Impasse procedures including mediation and factfinding.

Additionally, the EERA provided specific protection for the continuance of academic senates in the "exercise of the functions...in making recommendations to the administration and governing board of the school district with respect to district policies on academic and professional matters, so long as the exercise of the functions does not conflict with lawful collective agreements" (CA Government Code, section 3540). Yet, the exclusive agent, in addition to the enumerated scope items in the EERA, also "has the right to consult on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks..." (CA Government Code, section 3543.2 (a)).

In addition to the consultative overlaps contained in the bargaining law, AB 1725 specified that bargaining agents and faculty senates consult on: 1. The faculty and staff development fund committee, 2. Hiring to meet a 75 percent full-time/25 percent part-time requirement, 3. Revision of affirmative action policies, 4. Development of a comprehensive educational and fiscal accountability system, and 5. The evaluation procedures proposal prior to bargaining.

AB 1725 enumerates approximately nine topics in the purview of the academic senate, ranging from hiring standards and procedures to instructional improvement. All these topics are subject to a consultation process, the process being further delineated in recent regulations adopted by the Board of Governors.

ASSUMPTIONS

First, community college faculties in California have unionized because collective bargaining guaranteed power sharing. Collective bargaining agents have independent resources, including political action committees.

Second, collegiality in the community colleges did not sufficiently represent faculty's self-interest or institutional interest.

Third, senates are creatures of the administration because they are funded by the administration. They are as effective as they are only by the strength of intellect and moral imperative of senate leadership.

Fourth, the processes are oxymoronic -- collegiality relies on cooperation; bargaining, on confrontation. One chapter president defined collegiality as "consulting without raising your voice." Faculty senates are highly deliberative bodies, often glacier-like in their progress. One observation is that in senates everything usually has been said, but the senate must wait until everyone has said it. In contrast, unions are task-driven, often crisis-managed. After all, budgets are written each year, and salaries and benefits are granted each month.

Fifth, the practice of shared governance or academic governance has been characterized by Harold Hodgkinson in "Who Decides Who Decides" as a very private act -- sex. To extrapolate the analogy, everyone has some, wonders if it is enough, worries if it is normal, and certainly knows it could be better. "Shared governance" was one of nine major AB 1725 subjects discussed at the Community College Association's (CCA) recent "Leadership Summit on AB 1725."

THE PARAMETERS OF CCA'S ROLE IN AB 1725 IMPLEMENTATION

In addition to our representation of our community college membership to the State legislature and agencies, CCA serves 35 local bargaining units. They range from two of our largest being primarily part-time faculty at Coast (1300) and Rancho Santiago (925), the next largest being a wall-to-wall unit at Saddleback (840), and the smallest being Taft (23). The large urban sites -- Sacramento, Los Angeles, San Diego, Oakland, and San Francisco, among several other units -- are represented by the California Federation of Teachers.

Since the inception of bargaining, our role as a leader has been accomplished primarily through two means, consultation and protections, that is, statements of policies and goals from our CCA Council, state and regional conferences and workshops, professional staff advice and assistance, a stream of briefing materials in the case of consultation; arbitration, unfair practice charges, and Education Code representation in the case of protection.

We always have had to cope with the diversity of local faculty leadership experience and the range of political realities among the colleges of the largest public higher education system in the United States. In a system with 71 districts, 107 different campuses, three different state-level bargaining agent groups (and, even in a handful of districts, no bargaining agent), the relationships between faculty, administrators, trustees, unions and senates reflect the unique history of each local college. Therefore, in our bargaining program, we anticipate that our models and guidelines will be adapted to fit the collegial and political situation of each district. There is no one template to fit all the colleges.

We also knew, that while the state organization viewed some of the AB 1725 measures for "professionalization" of the faculty as a dangerous confusion of union and faculty senate roles, and attempted dilution of bargaining rights and statutory protections, most rank and file faculty embraced the grand design of AB 1725 and anticipated ascension of the community colleges into post-secondary heaven.

Further, we recognized that our local leadership continuously faced a myriad of formidable tasks involving economic bargaining (e.g., demand for higher ending salaries to enhance the retirement allowances and district-paid retiree health benefits). The need for our services for comparative salary and benefit rankings, local budget analysis and advocacy for adequate, stable funding at the state level did not disappear when AB 1725 passed.

Parenthetically and ironically, one argument for CCA's opposition to AB 1725 -- the major reforms were not accompanied by the necessary appropriations, calculated at $140 million -- was erased when California voters passed the K-14 education finance guarantee measure, Proposition 98, in November 1988.

UNION AND SENATE RELATIONSHIPS

The experiences of collegiality in a unionized setting are wide-ranging. Some chapters, like Riverside, who established a certificated employee council in the early 1970's, under the meet-and-confer statute, had delineated the functions of the bargaining agent and faculty senate before the bargaining law passed. Others, like College of the Desert, agonized over whether or not the local senate indeed met the definition of "an employee organization" under EERA as a result of the representation of faculty interests through senate salary and benefits committees.

Operating from a policy paper from the National Education Association (NEA), "Shared Governance," CCA advocated the need for closer cooperation and articulation.

Therefore, CCA launched a core briefing program on each campus in October 1988 touting the need for cooperation and using NEA's "Statement on Community College Governance" as our policy foundation. CCA also co-sponsored state-level AB 1725 workshops with other faculty organizations and the statewide academic senate. Our statewide newspaper featured a "model" union/senate relationship in our January/February 1989 issue. In April 1989, CCA hosted two AB 1725 bargaining workshops and partially funded the attendance of our president, bargaining chair, and academic senate president. One of the program segments featured a panel on bargaining agent/academic senate relationships. All participants received briefings and materials on bargaining, peer review, and health benefits. We brought in our sister union, the California Faculty Association, to share the realities of their experience with peer review.

We were relentless. At CCA's fall 1989 Council meeting, staff and leadership made further presentations on roles and relationships and on specific bargaining language and strategies.

CCA has now conducted two winter bargaining conferences, in 1990 and 1991, in continued support of our locals in their economic and reform bargaining responsibilities. We have published bargaining guidelines for peer review.

TRENDS IN BARGAINING -- AB 1725 REFORMS

We have three sources for a view of the bargaining trends. First, the Chancellor's Office conducted a written survey of districts requiring certification from the district superintendent/chancellor, the academic senate president, and the faculty collective bargaining agent.

Second, CCA collects all the contracts in the State and provides a computer-generated profile of their major features.

Third, the Council of Faculty Organizations -- a state-level coalition of five faculty groups including the statewide academic senate -- commissioned two surveys, one of the faculty leaders and one of a random sample of full-time faculty, on their perceptions of their institutions and the implementation of AB 1725.

In our first source, the Chancellor's Office survey asks 10 questions about AB 1725 employment reforms, three on policy adoptions and four on contract provisions. The remaining three inquire as to whether or not the district will complete the seven items by July 1, 1991, and, if not, when and why is additional time required. Seventy of the 71 institutions responded by last Friday, March 8, 1991. The results are as follows:

CHANCELLOR'S OFFICE AB 1725 STATUS SURVEY

		YES	%
1.	The district governing board has adopted a process, as well as criteria and standards, for determining equivalencies to minimum qualifications in accordance with Section 87359 of the Education Code.	50	71
2.	The district governing board has adopted hiring criteria, policies and procedures for new faculty members in accordance with Section 87360 of the Education Code.	42	60
3.	The district governing board has adopted a peer review process in accordance with 87663 of the Education Code.	36	52
4.	The district is evaluating temporary (part-time) employees as required in Section 87663 of the Education Code.	46	66
5.	The district has adopted an administrator retreat rights process in accordance with Section 87458 of the Education Code.	26	37

6.	The district has established and assigned faculty service areas and established competency criteria as required in Sections 87743.2 through 97743.5 of the Education Code.	37	53
7.	The district has established tenure evaluation procedures and is otherwise prepared to implement the tenure provisions contained in Sections 87600 through 87615 of the Education Code on July 1, 1991.	8	11

The initial conclusion is a generous one -- that an overwhelming majority of the institutions either have accomplished the tasks or are in the process of completing the tasks.

In our second source, CCA sampled for the four provisions contained in the Chancellor's survey: 1. Peer review process, 2. Part-time faculty evaluation process, 3. Faculty service areas and competency criteria, and 4. Tenure evaluation procedures. From the twelve contracts reviewed, the following are the results:

CCA Contract Review of AB 1725 Issues:		Yes	No
1.	Peer Review Process	6	5
	Comment: Of the 6 yes, 5 were bargained prior to AB 1725. One provided for a committee to develop a proposal to meet AB 1725 requirements.		
2.	Part-time Faculty Evaluation	7	4
	Comment: Of the 7 yes, 5 were bargained prior to AB 1725. Two of the four without provisions did not include part-time faculty in the unit. One provided for a committee to develop a proposal.		
3.	Faculty Service Areas/Competency Criteria	1	10
	Comment: One provided for specific deferral of bargaining this topic until April 1991.		
4.	Tenure Evaluation Procedures	1	10
	Comment: The new tenure period becomes effective July 1, 1991. Most CCA locals are making initial proposals this spring.		

The conclusions we can draw are few. First, our agents are complying with the mandates of AB 1725 and the issues are on the table. Second, the actual language of the provisions are wide-ranging. For example, Rio Hondo has agreed to do a peer review study while Imperial Valley agreed that every faculty member must undergo peer review. Third, if our anecdotal sources are a proper indication, the topic which has most delayed settlements (besides compensation) is broadly written faculty service areas. Understandably, CCA views this as a crucial feature to the protection of seniority rights. The administration, predictably, has countered with measures which effectively would allow the employer to choose the faculty member to lay off with little or no reference to seniority, qualifications, competence or even retrainability. And fourth, the new requirements for tenure review have launched, as intended, the most comprehensive study and discussion of faculty evaluation procedures since the bargaining law was passed in 1976.

Our third source, the Council of Faculty Organizations survey is interesting in that both the survey questions and survey responses are open to interpretation since those surveyed gave their opinions on the various topics. We have picked out a few responses which we believe reinforce our assumptions and anecdotal assessments of AB 1725, bargaining agents, and academic senates. Since as a union, we are biased about translating activities into time and/or money, we looked at responses on related questions. The results follow:

Q. 5. 71.1 percent rated the amount of reassigned time for professional activities as only poor or fair.

Q. 30. 80.3 percent rated the senate's effectiveness on budget matters as poor or fair; 17.3 percent, as good or excellent.

Q. 31. 67.7 percent rated the union's effectiveness on budget matters as poor or fair; 16.7 percent, as good or excellent.

And, understandably, given the publicity on AB 1725, those polled gave their most definitive response when asked whether the Act had a positive, negative or no effect on the local senate's sense of empowerment:

Q. 43. 82.8 percent responded "positive."

In a correlated question, the responses was consistent:

Q. 23. 81.9 percent ranked the academic senate's power and influence as "increases;" 14.2 percent as no change.

Q. 11. 80.7 percent said existing relations were good or excellent; 17.2 percent said they were fair, poor, or did not know.

Q. 17. 63 percent said relations would change for the better under AB 1725; 34.7 percent said the chances for improvement were fair, poor, or did not know.

Since the implementation of AB 1725 is in such a formative stage, it is too early to tell if the enablement of the Act has translated widely into actualization.

LEGISLATIVE FOLLOW-UP ON EMPLOYMENT ISSUES

To further complicate matters, AB 1725 mandated an Education Code review in order to make the changes necessary to bring the employment statutes in conformance with the reform measures. California has an extensive education code -- 12 volumes in the most common version -- covering almost every imaginable employment issue. The first review bill was largely technical, such as changing the term "teacher" to "faculty" and "instructional or student services administrator" to "educational administrator." The second round of review will be introduced during this legislative session.

IMPLICATIONS FOR OTHER STATES

If our California experience has any implications for other states, and if we have a proper understanding of the effect of the reform measures, we have good news about the empowerment of faculty and a new collaborativeness between senates and unions. However, as we cautioned before, generalizations of this sort can be quickly contradicted by specific exceptions. In our own experience, at one college, six former senate presidents formed an unaffiliated employee organization, conducted a representation campaign based on status quo and anti-unionism, and defeated the incumbent bargaining agent.

However, generally, if college administrators and board of trustees planned to dilute collective bargaining laws and the power of unions, we have bad news for them about the attempted division of faculty. Because in our experience in CCA, senate and union leadership have embraced collaboration and institutionalized communication, creating ex officio seats on each other's executive boards, and, in some cases, making the senate president and union president one in the same. In the process, we have strengthened each other.

Faculty senates are enjoying a new era of vitalization because their role is better defined, their independence has been asserted by their contrast to the union, and their mechanisms for consulting have become more creative. Some of the union contracts specify release time for senate members, and provide office space, and secretarial support. Some make college policy grievable and thus protect the shared governance procedures developed by the faculty senates.

Unions are now sharing some of the credibility and status formerly reserved only for the senates. Frankly, on most of our community college campuses, if a faculty member has a problem, he/she takes three levels of action: first, the matter is taken directly to the administration. That failing, it is taken to the senate. That failing, it is taken, finally, to the union. For now, California community college faculty are enjoying governance status that falls somewhere between the United States Supreme Court's assessments of faculty empowerment in their Yeshiva and Loretta Heights College decisions.

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III. "OTHER-INTEREST-GROUP" CAMPUS BARGAINING

A. Bargaining for Non-Tenure Track Faculty, Support Staff and Clerical Employees at the State University of New York

B. Bargaining for "The Others" at California State University

C. Relationships Between Faculty and Non-Faculty Members of the Same Bargaining Units in the Illinois Public Higher Education System: A Case Study

"OTHER-INTEREST-GROUP" CAMPUS BARGAINING

A. BARGAINING FOR NON-TENURE TRACK FACULTY, SUPPORT STAFF AND CLERICAL EMPLOYEES AT THE STATE UNIVERSITY OF NEW YORK

Thomas M. Mannix
Associate Vice Chancellor
Employee Relations and Personnel
State University of New York

INTRODUCTION

The State University of New York is a large, geographically dispersed system of higher education. the system includes twenty-nine State-operated campuses, five statutory colleges (four at Cornell University and one at Alfred University) and thirty community colleges. For the purposes of this paper, my remarks will be confined to the twenty-nine State-operated campuses.

The twenty-nine State-operated campuses consist of four university centers (Albany, Binghamton, Buffalo and Stony Brook); two health science centers (Brooklyn and Syracuse); fourteen comprehensive colleges (Brockport, Buffalo, Cortland, Empire State, Fredonia, Geneseo, New Paltz, Old Westbury, Oneonta, Oswego, Plattsburgh, Potsdam, Purchase, and Utica/Rome); three specialized colleges (Environmental Science and Forestry, Maritime and Optometry) and six colleges of Technology or Agriculture and Technology (Alfred, Canton, Cobleskill, Delhi, Farmingdale, and Morrisville). There is a law school at the University Center in Buffalo, dental schools at Buffalo and Stony Brook and tertiary care hospitals at Brooklyn, Stony Brook and Syracuse. The Central Administration in Albany rides herd over this group.

STRUCTURE FOR BARGAINING

Under the New York State public employee bargaining statute, sometimes referred to as the Taylor Law, the State of New York is the employer and the Governor's Office of Employee Relations (GOER) negotiates labor agreements between the unions and the State.

As you can see from the accompanying tables, some 38,600 SUNY employees have been placed in seven units represented by four unions: (1) the United University Professions (UUP), (2) the Public Employees' Federation (PEF), (3) the Civil Service Employees Association (CSEA), and (4) Council 82 (C-82) of the American Federation of State, County and Municipal Employees (see listings #3 through #9 on Table 1).

These units not only vary considerably in size within the State University, they make up vastly different percentages of the State's workforce (see Table II). The faculty and professional staff unit represented by the UUP is the only unit which consists solely of SUNY employees. In all the other units, SUNY employees are grouped with similar employees from other State agencies.

SUNY is one of the largest State agencies in terms of numbers of employees. We are the largest agency when it comes to the clerical workforce and the skilled craft and blue collar workers represented by CSEA. Being part of a Statewide unit of employees has both advantages and disadvantages. Perhaps, the most difficult situation for University management involves the Teaching and Research Center Nurse I, II, and III titles in the three University hospitals who are buried deep inside the PEF unit. Those 2,200 or so nurses make up less than five percent of this unit. SUNY has no representation on the GOER negotiating team (see Table II), although our three hospital campuses are able to work through the SUNY Central office to provide some input into the plans for PEF bargaining and to have some influence as bargaining progresses. With one exception mentioned below, concerns familiar to people involved in nurse or hospital bargaining are not found in the PEF labor agreement.

Currently, there are no organizable employees in the State University of New York who are not already in a unit represented by an exclusive bargaining agent (see Tables I and III). There is a dispute concerning the status of supported graduate students, graduate assistants and teaching assistants. The graduate students are attempting to organize. A Public Employment Relations Board (PERB) hearing officer has ruled that graduate students are not employees within the meaning of the Taylor Law. That decision is now on appeal and we are awaiting the Board's ruling.

FACULTY AND PROFESSIONAL EMPLOYEE UNIT

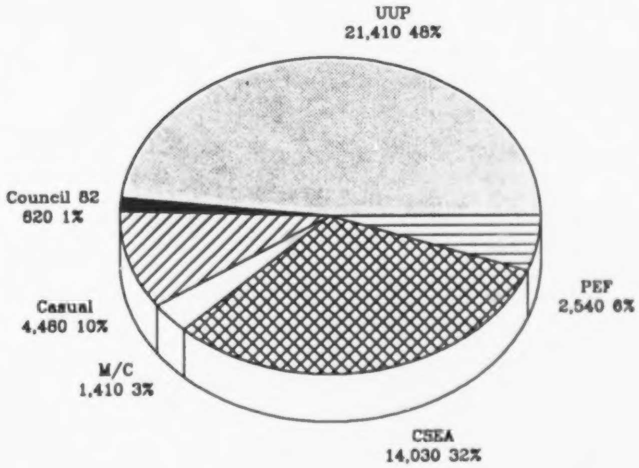
The 6,000 professional employees make up about 28 percent of the UUP-represented unit of faculty and professional employees. This unit consists of faculty, including librarians, and non-teaching professionals colloquially known as NTPs. In the mid-1980s the non-teaching prefix was dropped in favor of the term professional employee(s). Old habits die hard, however, and I still hear an occasional reference to an NTP, a non-faculty employee, or worse yet, a non-professional. The negative connotation of the "non" prefix only reinforces the structural hierarchy in higher education with the faculty at the top and everyone else someplace beneath them.

Professional employees in SUNY are placed in one of six professional salary ranges according to their titles. The

Table III

STATE UNIVERSITY WORK FORCE

Representation by Bargaining Unit



February 1991

labor agreement also includes provisions for tuition assistance, retrenchment, transfer, a Chancellorial level review for any professional denied a permanent appointment, various standard leave of absence provisions, and appointment, evaluation and promotion clauses.

In addition to specific clauses in the UUP-negotiated contract, professional employees have provisions in Board of Trustees Policies. Leaves of absence, appointment, evaluation and promotion provisions are found there. A separate Memorandum of Understanding was negotiated between the governor's Office of Employee Relations and the UUP which deals with evaluation and promotion of professional employees.

GOER-UUP JOINT LABOR/MANAGEMENT COMMITTEES

Perhaps the most interesting feature of GOER-negotiated agreements is the use of joint labor/management committees which cover a wide range of topics and issues. The current 1988-1991 GOER-UUP agreement, scheduled to expire June 30, 1991, contains eight joint labor/management committees. Seven of the committees involve professional as well as faculty employees. Only the Clinical Practice Committee deals exclusively with faculty issues.

The Employment Committee received $300,000 in each of the three years of the current agreement for a survey regarding evaluation procedures for professional employees and to support various continuity of employment efforts. The Affirmative Action Committee received $100,000 in year one (1988-89), $400,000 in year two (1989-90) and $600,000 in year three (1990-91) for equal employment, affirmative action activities and training in the use of the internal grievance procedures on campuses.

A Professional Development and Quality of Work Life (PDQWL) Committee received $500,000 in year one, $550,000 in year two, and $750,000 in year three. In addition, the Day Care Committee received $530,000 in year one, $570,000 in year two and $620,000 in year three and the Employee Assistance Program (EAP) received $72,000 in year one and $95,000 each in years two and three. These funds are administered under the general rubric of PDQWL Committee.

Finally, there was $500,000 in each of years two and three for an Excellence Committee which established criteria and acted on campus nominations for $3,000 individual awards.

GOER-PEF JOINT LABOR/MANAGEMENT COMMITTEES

The GOER-PEF labor agreement contains an Institutional Issues provision which: (1) establishes a process for questionnaires and exit interviews with registered nurses who leave State service; (2) calls for a study of the impact on employees of long-term night and evening shift work schedules as well as the impact of less desirable days off; (3) supports a study of accidents, injuries, incidents and illnesses of unit employees; and (4) funds a pilot project to give some employees at least seven consecutive calendar days vacation at least once a year. This provision, especially its first three sections, is of particular interest and impact on the Teaching and Research Center Nurse titles in SUNY's three university hospitals.

GOER-CSEA JOINT LABOR/MANAGEMENT COMMITTEES

The CSEA contracts all contain provisions for educational, developmental and training opportunities, safety and health, and employee orientation programs. The administrative unit contract contains a labor/management committee devoted to advance for clerical and secretarial employees and the operational services agreement includes a labor/management apprenticeship committee.

GOER-C-82 JOINT LABOR/MANAGEMENT COMMITTEES

The Security Services and Security Supervisors unit agreements have not used the labor/management committee structure to the extent the other contracts have. those two agreements contain a single joint labor/management committee devoted to Quality of Work Life.

2/18/91

Table I
Description of the Workforce of State University of New York

	Unit/Union	Designation	Sample Titles	Number of Employees
1.	Managerial Confidential	Executive Salary Plan and Professional Service	Chancellor, President Vice Chancellor, Vice President, Dean	1,310
2.	Managerial Confidential	Classified Service	President's Secretary	100
3.	Professional Services Unit; United University Professions, AFT, AFL-CIO	Faculty and Professional Support Personnel	Professor, Admissions Director, Asst. Dean, Librarian, Counselor, Teaching Hospital Professional Staff	21,410
4.	Professional, Scientific and Technical Services Unit; Public Employees Federation (SEIU/AFT), AFL-CIO	Classified Service	Nurse, Teaching and Research Center Nurse I, II, and III, Purchasing Agent	2,540
5.	Administrative Services Unit; Civil Service Employees Association, (CSEA) Local 1000, AFSCME, AFL-CIO	Classified Service	Secretary I & II, Clerk, Data Machine Operator	6,610
6.	Operational Services Unit; CSEA, Local 1000, AFSCME, AFL-CIO	Classified Service	Carpenter, Painter, Electrician, Garage Attendant, Sationary Engineer, Groundsworker	5,860
7.	Institutional Services Unit; CSEA, Local 1000, AFSCME, AFL-CIO	Classified Service	Practical Nurse, Laboratory Animal Caretaker	1,560

Table I (Cont.)

Unit/Union	Designation	Sample Titles	2/18/91 Number of Employees
8. Security Services Unit; Council 82, AFSCME, AFL-CIO	Classified Service	Campus Public Safety Officer, Security Services Assistant	530
9. Security Supervisors Unit; Council 82, AFSCME, AFL-CIO	Classified Service	Supervising Campus Public Safety Officer	90
		Total (Headcount)	40,010

Table II
Comparison of Approximate Size of State University of New York Employees Within State of New York Bargaining Units

Unit/Union	State Employees	SUNY Employees
Professional Services Unit (UUP)*	21,410	21,410 (100%)
Professional, Scientific and Technical Services Unit (PEF)	49,000	2,540 (5%)
Administrative Services Unit (CSEA)**	36,000	6,610 (18%)
Operational Services Unit (CSEA)**	23,000	5,860 (26%)
Institutional Services Unit (CSEA)**	39,000	1,560 (4%)
Security Services Unit (Council 82)**	14,000	530 (4%)
Security Supervisors Unit (Council 82)**	500	90 (18%)

* SUNY Central and campus representation on GOER bargaining team

** SUNY Central representation on GOER bargaining team

"OTHER-INTEREST-GROUP" CAMPUS BARGAINING

B. BARGAINING FOR "THE OTHERS" AT CALIFORNIA STATE UNIVERSITY

La Verne Diggs, Director
Human Resources
San Jose State University

INTRODUCTION

In the early years of collective bargaining at California State University ("CSU"), support staff resented their second class status to faculty. Had faculty openly referred to support staff as "the others," bargaining certainly would have gotten off to a rocky start.

In the early days, unions representing support staff came to the table ready to convince management that without physicians, clericals, technicians, electricians, plumbers and custodians, the university would come to a screeching halt. Unions representing support staff viewed the faculty union as their nemesis. In this era of limited resources, however, being referred to as "the others" is no longer an issue for the unions representing support staff. In fact, the unions representing support staff at CSU and the union representing the faculty have begun to work together and have formed a union council. The union council negotiates with management for both support staff and faculty on those issues in which they have a community of interest. The council also meets with the chancellor regarding budget and other issues of interest to all employees.

CSU is comprised of twenty campuses located throughout the State from Humboldt in the north to San Diego in the south. All of the bargaining units are systemwide units and negotiations are conducted with the Employee Relations Staff of the Office of the Chancellor.

The CSU has nine systemwide bargaining units:

1. The faculty represented by the California Faculty Association (CFA) represents approximately 24,000 employees;

2. The California State Employees' Association (CSEA) represents approximately 13,000 employees in four units: Support Services, Health Care Support,

Operations Support Services and Technical Support Services;

3. The Physicians unit, represented by the California Federation of the Union of American Physicians and Dentists (UAPD), represents approximately 140 employees;

4. The Public Safety unit, represented by the State University Police Association (SUPA), represents approximately 200 employees;

5. The Academic Support unit, represented by the Academic Professionals of California (APC), represents approximately 1,800 employees; and

6. The Skill Trades unit, represented by the State Employees Trades Council (SETC), represents approximately 900 employees.

THE ISSUES

DUES:

An issue for some of the unions representing support staff is getting the members to pay dues. The eight support staff bargaining units are comprised of approximately 16,000 employees, yet, only 4,000 are dues paying members. There is a "maintenance of membership" clause in each of the support staff unit contracts. Members, however, are not required to pay dues. As a result, the unions do not have the necessary resources to build strong organizations. By creating a union council, the unions have, in effect, gained some collective strength.

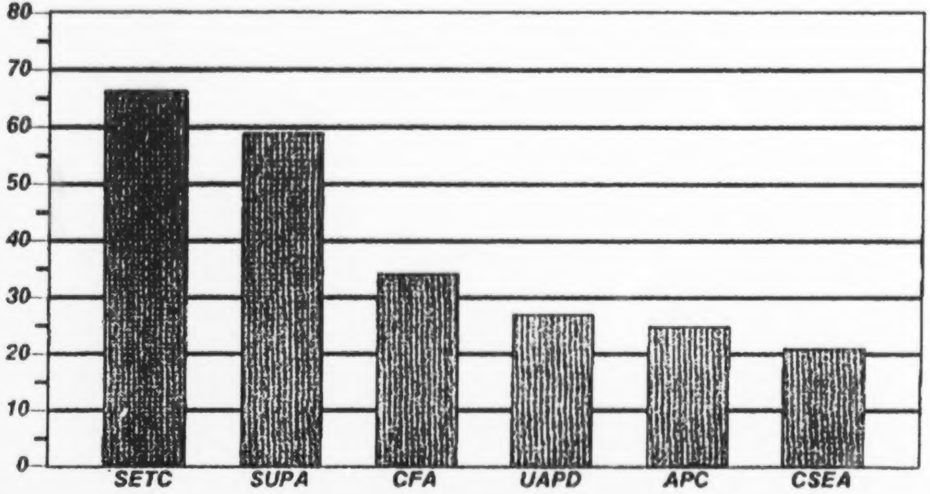
CHILD CARE:

The Clerical Administrative Support unit has about 7,000 members who are predominantly female. This unit has brought the child care issue to the table. While the University provides limited child care for students and faculty and although it recognizes the need for child care for the support staff employees, it has not conceded to the clerical unit's demand for a fully staffed child care facility. The university has not made this concession for two very basic reasons: cost and liability concerns are prohibitive.

The university has, however, negotiated a Dependent Care Reimbursement Program. The Program provides for the payment of certain dependent care expenses from an employee's pre-tax income through payroll deduction into a special tax-free account.

CSU has also agreed to certain flexible work schedules to accommodate employees with child care needs. While these measures may not have fully addressed the child care issue within CSU, I expect that the union representing the clerical unit will need to continue to pursue this issue.

PERCENT OF CSU EMPLOYEES PAYING UNION DUES



COMPARABLE WORTH:

The predominantly female clerical unit has also continued to raise the issue of comparable worth or pay equity for traditionally female jobs. Not only have they raised this issue at the bargaining table, they have introduced comparable worth legislation.

WE WANT TO BE LIKE FACULTY:

The employees represented by the Academic Professionals of California (APC) are the Student Services personnel. Some of these employees receive academic year appointments and perform what are called academic-related duties such as social and psychological counseling. Other employees in this unit are placement interviewers, credential analysts and evaluators. This group of employees view themselves as "quasi" faculty and generally bring issues to the table which are considered "faculty" issues, such as peer review. The physicians' union has also brought similar issues to the negotiating table.

THE IMPACT

Support staff employees have actually reaped some benefits from faculty bargaining. As such, "the others" have been impacted in a positive way from the collective bargaining environment dominated by a faculty union. "The others" have learned that they can achieve greater success at the bargaining table if they follow what the faculty union is doing.

CSU has come a long way in twelve years of bargaining with its unions. The relationship has matured and the present climate of limited resources has caused the parties to move towards "partnership", a new phase in collective bargaining in the California State University System.

"OTHER-INTEREST-GROUP" CAMPUS BARGAINING

C. RELATIONSHIPS BETWEEN FACULTY AND NON-FACULTY MEMBERS OF THE SAME BARGAINING UNITS IN THE ILLINOIS PUBLIC HIGHER EDUCATION SYSTEM: A CASE STUDY

Mitchell Vogel, President
University Professionals of Illinois

I hope in these remarks to describe some of the principles guiding the University Professionals of Illinois (UPI) in organizing and then bargaining for non-tenure track employees. These principles, evoked by UPI, have evolved over the fifteen year that UPI or its predecessor organization, the Faculty Federation, has been bargaining for its members. Every decision to organize non-tenure track faculty was made after much political debate by the organization's Executive Board or House of Delegates. Much of the debate focussed upon issues such as the use of leadership time, the importance of tenure track teaching faculty to a university and the need for greater power through greater numbers. Political and economic issues coupled with the perceived changing needs of UPI have caused the organization to change some decisions over the years.

Even though this presentation will speak to the decisions of only one organization in one state, much can be shared. Since Illinois is very populous, with an advanced higher education system, some value can be obtained by using the case study approach. What transpired in Illinois in organizing non-tenure track faculty has meaning elsewhere. The principles evoked by UPI in making their decisions are valid questions elsewhere.

THE ILLINOIS HIGHER EDUCATION SYSTEM

Illinois' higher education organization is similar and different from that of most other populous states. These differences are perhaps driven by the fact that Illinois adopted higher education master plans and enacted collective bargaining acts after most other populous North Central states. Illinois' higher education structure and its collective bargaining regulations has elements from other states. This is true even when the structures contradicted one another. For example, some other states have a multiple board structure for their differing higher education systems, others have a central board. Illinois has both.

Some states conduct negotiations directly with the state legislature, others with university boards. Illinois, in actuality, does both. Each year the appropriation process in the state legislature enacts budget bills which itemize an increase for salaries at each of the four public university systems. Negotiations then begin to modify that amount and to deal with the non-monetary issues. Some states call for system-wide bargaining, others bargain campus by campus. Illinois has both.

At present, Illinois' public universities are divided into four separate governing boards which report to a centralized board. Only the Board of Governors, representing five universities and one university in the Board of Regents (this totals six out of the states' twelve public universities) bargain for faculty. This bargaining is done exclusively by UPI. Resource professionals, non-tenure track faculty and academic support staff in the Board of Governors also bargain exclusively with the UPI. All systems have some campuses where clerical, service employees and other civil service members are organized.

THE UNIVERSITY PROFESSIONALS OF ILLINOIS

The University Professionals of Illinois, Local 4100 of the American Federation of Teachers, is the only organization that bargains for faculty and one of several that bargain for civil service employees. Their non-civil service bargaining units approximate 2400 members. In addition to tenure-track faculty, they bargain for non-tenure track faculty, resource professionals, academic support staff, and clerical and service employees. Civil service bargaining is only done by UPI at Sangamon State, in the Board of Regents. Other organizations bargaining for clerical and service personnel at universities in Illinois include those affiliated with the AFL-CIO and the NEA. UPI or its state affiliate, the Illinois Federation of Teachers, has over 1000 members at campuses without bargaining.

UPI's political structure is composed of campus chapters. Each chapter has two votes on the Local's Executive Board. This comprises the vast majority of votes on the Local Board. Each chapter has autonomous power on campus matters. Much of UPI's time is spent lobbying the state legislature for improvements in higher education issues, working conditions, salary and benefits and pension improvements for all in the higher education community.

PRINCIPLES GOVERNING THE EXPANSION OF THE FACULTY FEDERATION

UPI and its predecessor, the Faculty Federation, debated long and hard before entering into any discussions with the Labor Board or its Governing Boards concerning matters of unit determination. A number of guiding principles controlled these discussions:

1. Unlike the advice found in some organizing manuals, it was agreed that it was not necessarily the best strategy to organize all eligible employees. It was agreed that some units of employees would best be

organized by other bargaining agents. A number of university employees asked UPI to represent them. In most cases in which the unit of employees lacked a community of interest with faculty, UPI recommended them to other labor organizations. (One such unit of employees was the campus security officers). The rationale upon which UPI's decision to selectively organize was based is that organizing decisions should not be driven by the desire to achieve more revenue or just increase a union's numbers.

2. In order to be included in the UPI faculty chapter a group must fit into the UPI's definition of community of interest. UPI's definition has been more stringent that the National Labor Relations Board's definition or the Illinois Educational Labor Relations Board's in requiring involvement with the university or the academic program. Some of our universitie's academic support staff are members of the same chapter as tenure track faculty, others are not.

3. Any other group of employees can be brought into UPI as a separate chapter with their own officers, constitution and equal status as a chapter. These groups are admitted on an individual basis by the local's executive board. Clericals and some university support staff have their own chapter, separate from the faculty chapter.

4. No non-faculty group should be organized by UPI until the faculty achieves bargaining status. This principle prevented UPI from challenging other organizations that were organizing clericals and others at the six campuses without faculty bargaining. This principle evolves, not from the feelings of elitism, but from a clear definition of the faculty's self-identification.

5. In order to be granted, membership mutual benefits must be perceived. Improvements in service must be a direct result. In all cases of inclusion these improvements have been noticed immediately. Most recently, assistance provided to the faculty at Sangamon State by the newly organized clerical unit during heated negotiations was instrumental in achieving a favorable settlement.

6. Coordination of activities and homogenization of contract language is usually sought. UPI uses joint bargaining for its separate units in the Board of Governors, creating common language as much as possible.

7. Attempts at developing non-elitist attitudes by faculty must be the subject of specific programs by the leadership. By working together for common goals, greater respect and understanding between all groups within UPI has been obtained.

I will now describe UPI's applications of these principles to each group of non-tenure track faculty individually. I will discuss them in the order they became member-groups of UPI.

RESOURCE PROFESSIONALS

UPI achieved bargaining in 1976 and immediately came to grips with its first question about unit determination. Two issues were of extreme importance and promises and rhetoric spoken during the organizing campaign were immediately challenged. The inclusion or non-inclusion of resource professionals and department chairs was the cause of much discussion within union ranks and at the bargaining table. The department chair issue will not be discussed any further here but it is important to note that many teaching faculty saw the non-inclusion of chairs as a trade-off for the inclusion of resource professionals. The five campuses had different patterns for the awarding of rank and the assignation of duties for their librarians, counsellors and other resource professionals.

With the very first contract, these employees were universally given rank and, with the exception of specific articles dealing with their assignment of duties, the distinction between resource professional and teaching faculty became very fuzzy in our contract. Within the Board of Governors, resource professionals not only have rank and tenure, but they are labelled as faculty in all official statistical reports.

NON-TENURE TRACK FACULTY

After Illinois passed a comprehensive collective bargaining law in 1984, agreements made with the Board of Governors enabling collective bargaining within the system were re-evaluated. Prior to the law, UPI and BOG agreed to units with only full-time tenure-track faculty. Passage of an act allowing all employees who work at least fifty percent of a full-time workload to organize forced the previous agreement to be re-evaluated. One of the first groups desiring a collective bargaining contract were part-time or non-tenure track faculty.

In response to their request and those of the academic support staff, UPI and the Board of Governors began to bargain for non-tenure track in 1985. The Board and UPI agreed that this group, known as category B would begin bargaining simultaneously with the tenured-track faculty and, like the faculty unit, negotiate system-wide. The UPI bargaining team was then expanded to include representatives from the non-tenure track faculty.

The specific contract needs of this group were dealt with separately. In fact, the labor board regulations mandate two separate contracts, but they are bound together for our purposes in the Board of Governors. However, for reasons of contract ratification, all faculty, tenure track and otherwise, vote on one contract with two parts -- Category A and Category B. It was deemed important for both groups to co-mingle our contracts and positions as greatly as possible. Non-tenure track faculty are members of the same UPI campus chapter as tenure track faculty and resource professionals. The chief concerns of this group were dealt with immediately in the first contract:

1. Across the board salary raises similar to those of the tenure/tenured track faculty. It was not just a similar percentage, but also as much as possible, the same structure. This desire has still not been fully met.
2. Job security as close to tenure as possible. Obviously tenure has not come to the non-tenure track faculty, but employment rosters have been established giving preference to those non-tenure track faculty who have been on the roster the longest, depending on program need.
3. In addition, restrictions on the ability of the administration to hire non-tenure track faculty were created.

Since that time the contracts have focussed on allowing the non-tenure track faculty to obtain benefits and maintain their place on the employment roster despite a break in service. With these benefits, has come an evaluation process which permits the administration to break the seniority rule by placing highly effective employees above satisfactory ones.

One side issue accomplished away from the bargaining table was the ability of this group to maintain their insurance benefits during the summer. Many of these employees were not covered by any insurance policy after their last day of class in the spring, even though it was relatively certain that they would return in the fall. These rights were granted these employees or, alternatively, they were to be encouraged to seek unemployment compensation for the summer months.

Today this group and UPI as a whole sees a need to extend job security to non-tenure track faculty. UPI is proposing a new classification of continuing faculty which would receive many of the benefits of tenure.

It is UPI's position that the status of these employees is inextricably bound to those of the other teaching faculty. An inverse relationship exists between the numbers of non-tenure track faculty and the rights of tenured/tenure track. A positive relationship must develop between all faculty in order to improve the university and the professorate.

ACADEMIC SUPPORT PROFESSIONALS (ASP's)

UPI began to bargain for academic support professionals (ASP's) at the same time as it began to bargain for the non-tenure track faculty. Originally, UPI thought of organizing the entire non-civil service, non-administrative group of personnel. After much discussion, both within UPI and with the Board of Governors, it was decided that by defining community of interest narrowly around the academic concerns of the student or the university, negotiations could be done jointly. In addition, this group could become integrated into the chapter structure of UPI.

Almost half of the possible non-supervisory, non-civil service employees were eliminated from the bargaining unit. those that remained were departmental and program advisors, experimental program coordinators, outreach workers and others who are in regular contact with academic affairs.

By limiting the group, we were on stronger footing to maintain our university chapter structure. They could unite with faculty around common interests, while still focusing on their own interests.

Their concerns were originally centered around job security, perceived work assignment abuses and salary. Even though these have been dealt with by the ability of grieving retention decisions, the orderly scheduling of work assignments and attempting to equate the salary increase structure with those of the faculty, there still exists a need to improve their working environment.

The decision to include this group was proper since it allowed them to interact more directly on issues with the existing bargaining units. The academic support staff works directly with faculty on union committees, attempting to solve academic problems in their area. Fears expressed by some concerning elitism have not developed.

CLERICAL AND SERVICE EMPLOYEES

In 1989, clerical employees at Sangamon State voted for UPI as their exclusive bargaining agent. This occurred two years after the faculty made the same decision. It should be pointed out that this occurred after another AFL-CIO union lost two to one four years earlier. Now, unlike the academic support staff employees in the Board of Governors, a group of employees who were not necessarily involved in the day to day work of academics sought representation.

It was UPI's belief that any employees not covered by a collective bargaining contract on that campus would be placed under tremendous pressure from administrative leaders. It was also evident that it would be to the detriment of the faculty who were already organized if they could be placed against non-organized employees. At the same time these clerical employees indicated to both UPI and the other union that they would only consider voting for a union if it was the same union that represented the faculty. New structures were developed. The faculty at Sangamon and elsewhere in UPI were concerned. After much deliberation, they encouraged the clerical employees to form their own chapter at Sangamon State and have as much independence from the faculty chapter as any other faculty chapter in UPI.

By doing so, the clericals could maintain their independence from the faculty and deal with them as equals in a democratic political setting. Since this event, the clericals have negotiated two contracts.

Some of the items that the clericals desired apparently were not of great value to the faculty, and in one case, inclusion of these items in a faculty contract was viewed negatively.

One strong benefit of faculty and clerical staff working closely together occurred after the clericals publicized their negotiation demands. At Sangamon State a ratio of 25 faculty members for every one clerical worker was the established rule. The clericals stated that it was of utmost importance to reduce this extremely high ratio. The faculty obviously shared this concern. The faculty benefitted from this proposal and argued strongly for its inclusion and passage.

One year later, the cafeteria and building service employees at Sangamon voted to join the clerical chapter and the chapter was renamed support services.

During the negotiation process at Sangamon, both the faculty and support service chapter were forced to take strike votes and prepare for work stoppages. These events occurred several months apart, with the faculty reaching impasse much earlier. In both cases, the other Sangamon chapter vowed to honor the picket lines of the potentially striking brothers and sisters. In addition, an appearance before a legislative committee by the faculty in favor of the clericals brought their negotiations to a positive conclusion. Both chapters preferred closely cooperative chapters during the negotiations process to joint bargaining. This decision is now being re-evaluated.

In all of these cases, the guiding principles have been followed by UPI in organizing beyond the ranks of faculty. The fears of alienation due to elitism have not developed. The fears of non-focused negotiations have not developed. The fears of different factions with one union fighting over scarce resources has not developed.

The addition of units to UPI has not only increased its power, but has given UPI a greater understanding of the issues facing its campuses. Despite the numerical majority in UPI of tenure-track faculty, its base is now far broader than in 1976 -- not just in numbers and job classification, but in its knowledge base as well.

IV. THE NEXT GENERATION – READINESS TO LEAD

- A. Higher Education Leadership in the Year 2000
- B. Developing Faculty Union Leaders
- C. A Training Model for Union Leadership

THE NEXT GENERATION – READINESS TO LEAD

A. HIGHER EDUCATION LEADERSHIP IN THE YEAR 2000

Clark Kerr, President Emeritus
University of California

The topic that I was asked to speak on is, "Higher Education Leadership in the Year 2000." I accepted the topic, but I want to change it in two ways. "In the Year 2000" makes it sound as if I knew what the year 2000 was going to be like. I do not. John Kenneth Galbraith, the Harvard economist, recently, in testifying before a congressional committee, said that in relation to the future there were two kinds of economists: the ones who do not know and the ones who do not know they do not know. I feel that I belong in the first group in that I do not know about the year 2000. Although, by the time I finish this speech, I wonder if someone will think that I should be placed in the second category of not knowing that I do not know. The second problem I have with the title is: the more I study leadership in higher education, the less I know what the word "leadership" means and further, who in modern higher education is that leader or are those leaders, and what exactly is it that they do. The idea of leadership is no longer a unitary idea, although I have read a great many books that sound as if leadership is one single thing.

Instead, what I am going to be talking about are some guesses regarding the changing context within which today's leadership has to operate and probably will have to continue to operate well into the year 2000 and possibly beyond. I will make references to three major changes that I think are taking place which are of some importance to leadership in higher education, and then say a word about the possible implications of these changes for leadership. Another reason I am here is for my own sake. I would like very much to get some reactions to what I am going to say. While I will be presenting observations that I have not previously presented to a group of experts, things I have been thinking about and things that I have observed, I am hoping that some of you will tell me where I am wrong. It is not off limits for you to tell me where I am right.

So, for a moment, I would like to step back in history to say that there have been changes in leadership in all of the years since Harvard was founded in 1636. Change is really nothing new. As Herecletus said 2,500 years ago, "Now there is all this flux." From 1636 to 1860, the president was a different type of person from what the president is today. The president was, above all, the moral, religious and intellectual leader of the campus. He was expected not only to administer, but also to teach the basic courses. The president was particularly in charge then, as almost no presidents are today in American higher education, of liberal education and rules governing student behavior. Then a big change occurred from 1860 to about 1920, when boards became more important, particularly in the growing public institutions, many of them land-grant. The land-grant institutions were devoted not only to agriculture but also to what was called the mechanic arts, which meant business. So farmers and businessmen were on the boards and took their assignments very seriously. They ran the higher education institutions with the greatest attention to detail. When I was reorganizing the University of California, the greatest basic reorganization that has taken place and ever will, I looked back into the history of decentralization of decision-making in the University of California. I found that the first delegation that the board made to a president or to anyone else was that the president was allowed to appoint a janitor if the position already existed in the budget provided the president reported it to the whole board and committee on finance at the very next meeting of either the full board or the committee on finance. That was the first delegation of any sort that took place. So boards came in exercising a great deal of authority. Oddly enough, during the same time, there was also a great increase in presidential activity in the way of reforms. The presidents of those times were reformers in a way that I think is safe to say that no president of a college or a university today is or could be. There is the story of an early 20th century president's meeting with a faculty of medicine and telling them how they had to change the nature of medical education at the institution in its entirety. Some faculty member got up and said, "We've been going along all these years, we're a very famous school, why, all of a sudden, must we make changes?" The president stood up and said, "For one reason, there is a new president." And so, you had this period of presidents reforming higher education in a way that no president has been able to do since then.

From 1920 to 1960, higher education saw the development of shared governance, the leadership of AAUP and the rise of the faculty estate. The university became like France before the revolution, with a series of estates coming along and establishing the area on which they rule supreme or at least have some shared authority. The first of these estates was the faculty estate. The faculty estate has, in some cases, achieved very substantial authority within the university. Then, as I see it, the development of the faculty estate jumped ahead another notch when unionization came along, particularly in the period 1965 to 1975, and brought shared governance into those places which had thus far escaped it, largely because of board or administrative resistance. Then in the 1960's, came the rise of the student estate. It was not just the organization of students around political issues, but also the rise of the student market as never before in determining curriculum. So now, we have the student estate as well as the faculty estate and the estate of the administration.

Then, during the same period of time, there developed what might be called the supra-campus estate. The supra-campus estate consists of all those bureaucrats in systems above the campus, in the coordinating councils above the systems, and then, the tremendous introduction of the participation of the courts in making decisions on what had once been the internal affairs of the institutions. The formation of the supra-campus estate may be the greatest loss of campus autonomy that higher education in the United States has ever seen. So, as I see it, we end up with four major estates and some minor ones; each of them acting with some independent authority and some shared authority. No one of these estates can totally govern the institution. The institution, however, cannot be governed without each one of these estates. We can now ask the question: Who is in charge? In some places, the answer may be -- nobody, although sometimes, one person may be held responsible for whatever goes wrong. I am concerned that leadership has become poor and fractionated and that it makes less sense than it once did to talk about the characteristics and contributions of the leader.

I would like to discuss three changes that I see as going on currently and that I expect to continue up to the year 2000 and beyond. Let me say, in general, that I do not go along with the theme, and to some extent the content of the morning session, namely, that "the sky is falling." The skies may be falling compared to the 1980's, but let me tell you, having gone through the 1960's and 1970's, it is not the first time the skies are falling. The skies also seemed to have fallen earlier in American history. Each time, American higher education appears to have emerged larger and better and more influential in American society than before. I am convinced that in the year 2000 and after, American higher education will be better, and more influential than it is today. Although I may not agree entirely with the feeling that the skies are falling, I do see some clouds on the horizon.
One cloud that I see is the increasing loss of the sense of community. There are a number of reasons for this. One is that small academic institutions have increased by massive proportions. Also, an enormous change has come about in that most spouses now work and there are no longer faculty wives. Spouses, both husbands and wives, have their own circles of friends and their own interests. The campus is no longer the center of family life that it once was. Also, for many faculty members, the campus is by no means the sole interest in their lives and many have second jobs. The loss of a sense of community has, I believe, a number of other sources. One is the impact of the "me" generation on the faculty. Faculty members intent on fostering only their individual goals are less and less becoming involved in the overall work of the institution. Shared governance cannot work well unless the faculty really shares in the governance. Today, more and more faculty members seem unwilling to serve on committees, seem unwilling to write good reports on promotions and appointments and seem unwilling to spend time advising students and assisting colleagues with their manuscripts. The service

departments, chairs and deans all over the country are picking up the work that faculty members do not seem to want to do. If immediate rewards to the individual are not there, then the positions have become less desirable. This is meant as a pretty harsh criticism -- we are losing a good deal of a sense of citizenship that once held higher education together and made shared governance as defined by the AAUP really work. There are fewer members of our faculty who belong to the home guard; and when you do not have them, you start missing them. We have more nomads who are sort of moving through, taking the most out of the environment that they can and giving the least in return. They are not doing, in the words of John Ross in his book on justice, their fair share for the maintenance of the institution. A second concern is that factionalization within whatever community is left, along racial and ethnic lines, along lines of gender, ideological lines, and, in some fields, along methodological lines are splintering collegiality and breaking up colleges and the campus as a whole. The consequence is, instead of having a community, we are breaking up into a series of tribes with the concomitant tribal warfare being waged.

Another cloud is the rise of the increasingly poorer presidency, which bothers me in this discussion about leadership. It is not entirely new to have a poor presidency. At one time, the president shared a good deal of his authority in many institutions with the vice-president of business and finance. In fact, there were institutions in which the vice-president of business and finance more nearly ran the university than did the president. The president was relegated to the position of being something of a figurehead. There are other institutions where board committees or legal affairs have taken over and run the university. Once many institutions had a single lawyer. Now they have a stack of 50 to 80. The lawyer for the institution has become a more powerful person than ever before.

Another very big development that I think has not been realized sufficiently yet is how the rise of the provosts has affected the presidency. Studies in which I have been involved have concluded that 80% of the college or university presidents across the country were no longer significantly involved in academic affairs. Academic affairs have been turned over to the provosts. The removal of the president from academic affairs, removes the president from the center of the collegiate mission. Additionally, there are little wars that go on and provosts look upon themselves as not a part of the administration but as a business agent of the faculty. A number of faculty members that I've talked with have commented that they are not so concerned with who the president is so long as they have a provost. Beyond the provost's diminishing the academic role of the president, as the president spends more time on matters outside of the scope of academics, these outside responsibilities become burdensome and consequently begin to demand the services of experts in the field. Then the experts decide that decisions in these areas belong to them and not to the president. Universities today are made up of whole staffs of experts -- a staff to deal with the legislature, another to deal with the alumni, another for public relations, another for internal university relations -- and often, the president has no authority to appoint or remove persons from those staffs. I was surprised at how many presidents confided their frustration at not being able to choose the people to be in other positions of authority at the university. The result is, as I said at the beginning of this address, the rise of the poor presidency. That is, one person is held responsible for what goes on, but really is not in control. I question, then, who is the leader.

In conclusion, looking to the year 2000, my guess is that leadership will become even more complex than it is now. It will require more tolerance and patience, and probably be more frustrating than today's circumstances. Another speculation is that if shared governance really does go downhill, one or two things will happen, either the institutions of higher education will not be run as well (remember in the next 15 years, we are going to have to replace more than 75% of our faculty members and that cannot be done well without the devoted participation of all of the faculty members) or the institutions will go downhill because shared governance is not working as well as it should and the administration increasingly takes over what was previously accomplished through shared governance. It is difficult to imagine running a modern, academic campus without effective participation by the faculty. It is inconceivable that the administration can take over what the faculty has traditionally done and do as well.

My final comment is that we are in a period now when the image of the campus as an ivory tower is coming close to an end. I think by the year 2000, there will not be many realistic references to the ivory tower or to the alma mater, the nourishing mother. We are moving into a new period of challenge. I trust that those of you who are still part of the academic community in the year 2000 and beyond will find a way through these new challenges and help assure that higher education, despite the challenges, will continue as it has for all these years, coming out decade after decade larger and stronger, more useful to the United States, and more influential than before. The 1990's are not going to be easy for leadership in American higher education. In the 1980's, we had it easy and one of the reasons why the 1990's are so difficult is because the 1980's were so easy. But the 1990's are going to be a really tough challenge for all of us in positions of influence and leadership in higher education.

THE NEXT GENERATION – READINESS TO LEAD

B. DEVELOPING FACULTY UNION LEADERS

Mark Blum, Associate Director
of Collective Bargaining
American Association of University Professors

OBSTACLES TO LEADERSHIP DEVELOPMENT

Faculties do not generally organize unions simply to solve particular problems. More commonly, persistent problems or a series of crises gradually convince the faculty of a college or university that they need to transform the structure of their relationship with academic management. A union enables the possibility of that transformation. The charge of faculty unions, therefore, transcends goals of success in a particular negotiation or resolution of a particular grievance. The highest responsibility of faculty union leadership is to assure the continued vitality of the union as an effective instrument of transformation. Derived from this responsibility, one of the most important functions of union leadership is the reproduction of itself -- that is the continual development of new leaders to replace current ones.

This is not an easy task, however. It is a common perception, substantiated by a number of studies, that the growth rate of administration is considerably more rapid than that of faculty. Administration growth rates, measured in terms of expenditures or numbers of personnel, exceeds faculty growth rates by as much as two- to three-fold. Accounts abound of the administrative proliferation as provosts generate assistant provosts, deans multiply and spawn assistant deans, and institutions develop councils of vice-presidents with swelling staffs to serve them. This administration growth phenomenon may be an exhibition of Weberian-type bureaucratic behavior. That is, administrators may feel compelled to maximize the numbers of their subordinates in order to assure their own security and influence within the organization. Or, perhaps, there are some sound functional reasons for the rapid growth of higher education administration. Administrations may perform more functions today than they were expected to perform in the past. Whatever the reasons, the kinds of dynamics that produce the glut of administrative officers do not produce faculty leadership.

About three years ago, the American Association of University Professors (AAUP) Collective Bargaining Congress sponsored a workshop entitled, "Problems of the Middle Aged Union." Participants explored issues confronting mature academic unions that have existed now for some twenty to twenty-five years. In many cases, current union leaders were the same activists who had organized their faculties in the initial collective bargaining campaigns some two decades ago. Many had bargained with several generations of administration leadership. Clearly, the faculty unions benefited from the experience of seasoned leaders, but their numbers were diminishing. There was nearly universal concern about the dearth of cadre to replace them.

There are four features of the contemporary academic environment that I believe militate against the natural emergence of academic union leadership. First, junior faculty frequently do not share the same sense of struggle as their senior colleagues. Often, they benefit from contractual protections that were bargained before they arrived on campus. Unaware of conditions before unionization, they frequently take for granted the employment conditions that they enjoy. They do not share a common sense of history or community with senior colleagues who brought unionization to the institution, and they feel no pressing need to become active in their organization.

Second, the academy has not been insulated from the general anti-union ethos that has permeated American society over the last decade. The worsening public opinion of unions during the "Reagan Years" was manifest on campuses as well. Faculty increasingly came to perceive collective bargaining as an ideological issue burdened with negative connotations.

Third, the 1980's "me generation" ethic was manifest on campuses by faculty preoccupation more with personal career advancement than with fulfillment of the collective professional responsibilities of the faculty as a whole.

Fourth, there generally exists almost no tangible reward system for union leadership. In fact, there are some powerful disincentives to participation. Participation, in the highly competitive academic market of the last decade, faculty members became understandably preoccupied with achieving promotion and tenure. Coupled with rising demands for research, publication, and attraction of grant monies, it is not difficult to understand why junior faculty frequently might not choose to devote time -- or attract administrative attention -- to faculty union activities.

These features of the academic environment suggest that to cultivate leadership, academic unions must cultivate a campus culture sympathetic to collective representation. Leadership training, though important, is an insufficient response if the problem is paucity of willing leaders. Training should be seen in the context of a more comprehensive strategy to counter the confluence of factors that discourage active participation in the union. Fortunately, there are effective measures that can be taken to restore an environment conducive to union leadership development.

For example, the anti-union ethos may be most effectively neutralized by cultivating an ethos of academic professionalism. For three quarters of a century, the AAUP has served as the organization through which the United States professoriate has articulated the standards and principles of the profession. The AAUP views collective bargaining as an additional means of collective advancement of the standards and principles of the profession. Yet, at times, in the life cycle of a collective bargaining AAUP chapter, "AAUP" may come to connote only "the union" to segments of a faculty divided over tactical questions. Administrations frequently go to great lengths to characterize the AAUP as merely a union in order to exploit ideological differences among faculty. By actively using chapter publications, external media, and other means to associate chapter collective bargaining activities with the recognized standards of the professoriate and by chapter sponsorship of programs on a broad range of academic and professional issues, AAUP chapters have demonstrated that they can correct damaging perceptions. A number of our chapters have enjoyed significant membership growth and a surfacing of leadership talent following campaigns to professionalize the image of the union. Our experience demonstrates that the union can enjoy broad support if faculty perceive their organization as a champion of professional values to which they subscribe.

Despite the erosive effects the "me generation" ethic has had on collegiality and the collective traditions of the profession, faculty unions can successfully undertake initiatives to rekindle and maintain the sense of the faculty community. Anyone who has walked the picket line of a successful strike knows the exhilaration colleagues feel when united by a common cause. The community spirit seems suddenly to flourish. The problem is how to continue to nurture community spirit between strikes. Community-building activities are basic to the programs of many AAUP collective bargaining chapters. Many chapters welcome new faculty each term, assign mentors to guide junior colleagues through the processes of promotion and tenure, sponsor events to honor retiring colleagues, and/or reward scholarship and other achievements of colleagues and students. The emotional bonds that form in the community of colleagues are frequently the motivation for active involvement in the union.

Unions can also encourage leadership through development of positive reward systems designed to encourage union activism. For example, the collective bargaining agreement may recognize assumption of union responsibilities as satisfying promotion and tenure criteria for service to the institution. One AAUP chapter with such a provision reports a marked increase in voluntary participation on union committees among faculty preparing for promotion and tenure consideration. Some junior faculty remain active in leadership positions after receiving tenure.

The basic premise above is that training programs are important only if there are aspiring leaders to train. While the process of organizing an emerging union may naturally produce leaders, mature unions must cultivate attitudes and conditions that will encourage new leaders to emerge.

THE AAUP APPROACH TO UNION LEADERSHIP TRAINING

AAUP leadership training programs are flavored by the general AAUP approach to collective bargaining. Growing out of AAUP's traditional concern with effective local faculty governance, AAUP unions are locally autonomous organizations. The national AAUP collective bargaining service program is, in large part, a program of training local leaders to effectively run the operations of their own organizations. Direct training in negotiations, contract and grievance administration, presentation of arbitrations, chapter organization, and, of course, leadership development are provided on campuses, at national and regional meetings, and topical workshops and conferences. Examples of recent programs include "Authority and Academic Freedom at Historically Catholic Institutions," "Developing Governance at Historically Black Institutions," and "Negotiating Remedies for Gender-based Discrimination in Compensation." The role of AAUP national staff is generally low-profile. We facilitate and do some training, but try to maximize training by faculty who have developed areas of special expertise. Moreover, training of faculty by faculty enhances learning through identification, develops leadership networks, and discourages excessive dependence on professional staff. Finally, faculty to faculty leadership training has proven to be an effective way of developing leadership in the national organization.

The most acclaimed event on the AAUP training schedule is the annual Collective Bargaining Summer Institute. It is a unique program very popular among our membership. Enrollment has trebled over the last three years. For three and a half days, faculty union activists gather on a rustic, rural campus for a program of intensive training in higher education collective bargaining. Some chapters send members as a reward for local activism; others use the Summer Institute to train new officers and staff. There are also quite a few participants from chapters that are in the process of organizing. The curriculum includes intensive training in one of several areas of union concern such as negotiations, chapter organization and leadership, or contract and grievance administration. It also includes specialized training by faculty consultants in areas such as institutional financial and fringe benefit analysis, advanced arbitration, and public relations. The main workshop tracks are supplemented with optional "mini-workshops" on topics from faculty governance to management of strikes. The Summer Institute program is constantly refreshed with creative new techniques such as role playing in grievance workshops, video-taped press conferences in the media relations workshop, mock negotiations and arbitrations, and use of an inter-active technology teaching facility.

Yet, some participants claim that the greatest benefit of the Summer Institute is found in the relationships that are formed there. New activists are counseled by seasoned collective bargaining veterans. Faculty socialize with each other during free times and at various entertainments. They exchange war stories and form acquaintances that often carry into national activities. In fact, many of the current national collective bargaining leadership have passed through the Collective Bargaining Summer Institute.

I will note in passing another aspect of the AAUP training program that is characteristic of our approach to bargaining and providing services. Over the last six years, the national AAUP has developed a much expanded set of services for use by collective bargaining chapters. For example, these include financial analysis, fringe benefits analysis, and consultation and assistance in public relations and media campaigns. The services nearly always are coupled with consultation and training of local leadership in order to encourage most effective use. Special emphasis is also placed on educating and involving the general membership. The service program has indeed attracted new activists. Equally important, perhaps, it has generated new ideas and new strategic initiatives at the local level.

CONCLUSION

With regard to future prospects for developing leadership, we are concerned but optimistic. We are concerned because of the factors that militate against the emergence of new leaders in academic unions such as: cynical anti-union attitudes that pervade society, the natural entropy that besets all organizations over time, and/or attitudes and reward structures that atomize colleagues. We are optimistic because we have identified some effective means of mitigating these anti-collegial influences.

Dearth of new leadership appears now as an occasional, isolated, local problem in AAUP collective bargaining. In general, talented, new leaders are arising at the local level and from there becoming active in the national organization. The emerging leadership is increasingly sophisticated -- a promising sign that the lessons of accumulated experience are being transmitted effectively from one generation of faculty leaders to the next. Nonetheless, we remain mindful of the need to attend constantly to the cultivation of the activists and leaders who will replace us.

THE NEXT GENERATION – READINESS TO LEAD

C. A TRAINING MODEL FOR UNION LEADERSHIP

Christine Maitland, Coordinator
Higher Education Services
National Education Association

I want to begin my remarks by talking about emerging issues in academe in general and then outline what the National Education Association is doing in particular.

There are several factors in the academic labor market that will impact the makeup of union leadership over the next ten to fifteen years. First, is the graying of the professoriate. It is estimated that one-third of the faculty will reach retirement age in the next fifteen years. As people retire, new faculty will be hired to replace them. The retirements will also occur among the union leadership and members. That means that those who fought the battles to unionize and improve the working conditions of faculty will no longer be on campus. The new faculty will not have that history and many will assume the working conditions and salaries they receive were granted to them by the largesse of the administration not because faculty had to fight for better conditions.

Second, is that there are few new organizing targets. Currently, there are 28 states that have laws that permit collective bargaining in public sector higher education. In those states, faculty that desired a union voted to unionize for the most part. It will be important, therefore, for unions to develop membership within existing units rather than to organize new units.

How do the unions position themselves to address the issues that are going to be of importance to the new faculty? Professional issues are going to be foremost in the minds of new faculty. They will need assistance to understand the tenuring process. On the four-year campuses, probationary faculty need reduced teaching loads in order to have time for research and publication. Assistance with teaching techniques is also necessary for new faculty. Unions should begin to establish mentoring programs for new faculty and hold workshops to describe the purpose of the probationary period. This is a positive way to interact with new faculty.

Salary equity is another major issue. Studies have shown that women and minority faculty are discriminated against in salary decisions. The unions must be on the forefront of discovering and correcting pay inequities. Increasing numbers of women and minorities will be hired to fill vacant positions and pay equity is an issue unions should address. Another equity issue is the payment of part-time faculty. One way to prevent the replacement of tenured faculty with lower paid temporary faculty is to equalize the pay structure which will remove the economic incentive for administrators to hire large numbers of part-time faculty. The third area that new faculty are going to be interested in is family issues. Campus-based child care, parental leave, flexible work schedules, and stopping the tenure clock for pregnancy are all issues unions will need to address.

Now, I will describe the programs that the NEA has to assist with training the next generation of union leaders. First, our structure has limits on the terms of office for national and state officers. That means we constantly have new leadership. At the national level, we have minority set-asides for the executive committee and board of directors. If minorities are not elected through the usual process, then seats are designated.

The NEA has extensive training programs on a wide range of topics including bargaining, grievance/arbitration, and organizing. We have training programs on recruiting new faculty for both leadership and membership. We also have an intern program that trains women and minorities for staff positions. The program includes six weeks of intensive training, placement in a position for six months, and assistance with finding a permanent position with one of the state affiliates. We sponsor women's leadership training.

Another means of recruiting new faculty is through publications. We publish a journal twice a year. The fall 1990 publication advised faculty on how to publish a book or an article. The journal has gained such credibility that faculty are now citing their articles in the publication on their vitae.

We also sponsor a national conference on higher education addresses issues of vital interest to the profession. In 1990, the conference focused on multi-cultural issues, the 1991 conference addressed the role of colleges and universities in the restructuring of education. Each year, our Instructional and Professional Development division sponsors a small invitational conference on issues such as faculty accountability and productivity, accreditation, and school-college collaboration.

In conclusion, I want to note the unions must position themselves to meet the challenge of unprecedented numbers of new employees being hired on campus. Unions must anticipate the interests and concerns of new faculty if they are going to remain relevant to the needs of their constituency.

V. RETIREMENT ISSUES FOR COLLEGE AND UNIVERSITY FACULTY

RETIREMENT ISSUES FOR COLLEGE AND UNIVERSITY FACULTY

Hans H. Jenny
Former Chair, Standing Committee on Retirement
National Association of College and University
Business Officers

INTRODUCTION

If we are lucky, if our minds and bodies function reasonably well, and if we have managed our financial resources with adequate foresight, our retirement years should be a very enjoyable time. Some surveys show that, on the whole, those retiring from careers in higher education appear to be generally pleased with their retirement incomes. Once in a while, however, protracted adverse economic events conspire to spoil the party. Among others, the double-digit inflation of recent years comes to mind. On other occasions, lawmakers discover opportunities for "revenue enhancements" that even the most careful planners could not have anticipated. One day, social security income is not taxed. The next day, a new tax formula gives retired persons some of the highest marginal tax rates in the country. We live in a changing world. As we are planning today for the future, unexpected developments are inevitable. While a perfect world may be impossible to achieve, I hope, by planning for the future, that you will, at least, make possible your enjoyment of those "golden years."

WHO IS RESPONSIBLE FOR RETIREMENT INCOME?

The retirement issues literature, with very few exceptions, seems to have at least one common thread: The primary responsibility for retirement income planning rests with the individual, and retirement income is normally expected to come from a variety of sources, in particular from Social Security benefits, from an employer sponsored pension plan if one is available, from personal savings, and, where applicable, from inherited funds. Except for the latter, the emphasis is as much on the multiple sources of potential retirement income as it is on the locus of responsibility: the future retiree. Of course, as we all know, this does not mean that the individual employee is solely responsible.

Higher education has played a unique leadership role during the long history of state and institution sponsored pension plan development. One of the first retirement plans was created in 1869 for New York City teachers. In 1892 and 1893 respectively, pension plans were introduced at Columbia University for private university teachers, and in Chicago for public school teachers. Shortly thereafter, in 1895, California created local teachers' retirement plans, and in 1896, New Jersey established the first state retirement system. These are venerable antecedents which suggest, among other things, that employees are not left entirely to their own devices. Therefore, today we take it more or less for granted that higher education employers will make available to all, or some, of their employees a pension plan.

The literature concerning retirement income for the most part makes one other stipulation: when employers look at pension plans, particularly when they consider future retirement income (or annuity) adequacy, they should take into account the employee's future Social Security benefits. In higher education this has led to the American Association of University Professors-American Association of Colleges (AAUP-AAC) statement of policy, according to which a pension plan's objective should be to provide at retirement, together with Social Security, an income equal to at least two-thirds of pre-retirement take-home pay. Whether we agree with this particular policy guideline or not -- I happen to believe that it is quite inadequate -- it calls attention to the fact that, once a college or university (or any other employer) adopts a pension plan, it must immediately ask itself what the future annuity objective should be.

The answer to the "adequacy" or "annuity objective" question determines indirectly the long term financing requirement, and it subsequently raises the question of who will make available the required funding. In a sense, this is where the fun begins. Who will pay for these future benefits? Should employers and employees share the burden? Is the responsibility solely with the employer, or is it solely with the employee? Higher education has given a variety of answers to these questions.

There exist in higher education two fundamentally different types of pension plans. In the public sector, colleges and universities can, or must, participate in state sponsored public employee defined benefit plans. In these plans, the future retirement annuity, or "salary recovery," is a function of pre-retirement salaries, the number of years of full-time employment, and one's life expectancy at retirement. Often there are provisions that permit employees to increase their future benefit by working past normal retirement and/or by increasing their paychecks through additional work. Most, but not all, of these state sponsored plans are fully integrated with social security, and the majority are contributory plans where employer and employee both pay premiums.

In a number of instances, the employer premium is larger than that required of the employee. In some plans, the two are identical. Beyond this, the structure of contributions tend to be very complex and one must refer to each state's particular, as well as, at times, peculiar contribution structure.

In the privately controlled sector of higher education, pension plans are predominantly of the defined-contribution variety, the vast majority being TIAA-CREF plans, which, during the last ten years, have been augmented in a number of institutions by non-TIAA-CREF suppliers. In a defined-contribution plan, the size of the future annuity is a function of the following elements: the prevailing salary level and escalation over time, the size of the pension plan contribution (expressed as a percentage of the annual salary), the length of plan participation, and the investment total return of the accumulation capital. Many public colleges and universities have made available to their faculties and administrators the TIAA-CREF option. Many defined-contribution plans are integrated with Social Security, and, here too, there exists a mix of contributory and non-contributory plans. Some classes of employees in the private sector are eligible for defined-benefit plans; the employees in question, therefore, do not have to assume an investment risk. Often such plans come about under collective bargaining agreements with employee unions.

So, who is responsible for retirement income? The answer depends upon the nature of the applicable pension plan, whether it is a defined-benefit or contributory plan, whether it is contributory or non-contributory, and, in the former, how the premiums are shared between employer and employee.

We must add that under both defined-benefit and defined-contribution plans, some states and institutions provide incentives for additional voluntary employee contributions; they offer limited matching employer increments. In addition, employees are entitled under federal laws (ERISA and the IRS Code) to establish supplementary tax-deferred retirement arrangements, thus augmenting savings for future retirement income.

THE LAW AND RETIREMENT INCOME

In 1974, the Employee Retirement Income Security Act (ERISA) was enacted into law, establishing, among other things, rules concerning employee vesting rights and investment practices in private plans. ERISA also created the individual Retirement Account (IRA). The law was, in part, a response to certain alleged abuses among private businesses concerning vesting rights, which was a relatively minor issue in higher education. Subsequently, other noteworthy legislation was passed: in 1978, the Amendments to the Age Discrimination in Employment Act (ADEA), which raised the minimum mandatory retirement age to 70; in 1982, the Tax Equity and Fiscal Responsibility Act (TEFRA), imposing limits on contributions and tax deferred retirement arrangements; in 1984, the Deficit Reduction Act (DEFRA), extending the freeze of cost-of-living adjustments in Social Security benefits; and in 1986, the Tax Reform Act, establishing further limits for tax sheltered pension plan contributions, and extending non-discrimination requirements to pension plans, but delaying application for public plans.

From this recital you can see that pension plans, especially during the last decade or so, have been the recipients of intensive legislative attention, not all of it welcome. I do not intend to get bogged down in legal matters today. But I must note that if you do participate in negotiations about retirement benefits with your employers, especially concerning such details as contribution levels and modifications to existing plans, you need to study carefully the numerous new provisions that are scattered like a mine field in your path.

One noteworthy aspect of the latest batch of IRS Code amendments is the more severe limit that has been placed on total plan contributions in 403(b) plans in particular, including voluntary after-tax contributions. Another more perplexing innovation is the requirement that, at the latest, six months after your 70th birthday, you MUST begin a minimum payout from your tax deferred retirement arrangements.

I do not know about you, but I have a problem with legislation that simultaneously discourages saving and compels withdrawal of funds, the latter merely to permit the government to tax away some of your accumulated capital. You see, you will have to withdraw the funds whether you want to spend them or not. In a nation that does not save enough as it is, a profligate legislature might be asked by the voters to be a bit more constructive. It is obvious that where ERISA encouraged retirement capital accumulation, the later laws are trying to take back some of the same benefits, the chief aim being to raise revenues for the government.

You also need to be aware of how the well-intended non-discrimination rules may affect your existing plans, if your plan is not already in non-compliance. Whoever drafted the law must have overlooked the fact that many pension plans are voluntary, especially the contributory ones. If not enough lower compensated employees participate, there could exist a presumption of discrimination. Since the ink has barely dried on the new IRS rules, it will be interesting to follow their aftermath. But enough about legal matters.

Let me now turn to some financial aspects of pension plans, both from the employees' and the employers' point of view. And let us keep in mind the difference between defined-benefit and defined-contribution plans. Although much of what follows will apply to the latter, some of it has general validity.

To begin with, I would like to call attention to a useful distinction which is not always on the mind of managers and employees when they look at their respective roles vis-a-vis the pension plan: the distinction between what we shall call the "accumulation" and the "payout" phases in every plan participant's life.

PENSION PLAN ACCUMULATION PHASE

In a defined-benefit plan, funding the plan is the responsibility of the employer; in higher education this means, for the overwhelming majority of the plans, your state government, represented by the employing institution. In private business it would mean the corporation, the partnership, or the owners of the business. The employees are guaranteed a pre-defined benefit, usually a percentage of their salaries during the last few years of employment. There is no direct investment risk on the part of the employee, except that the employer might go bankrupt, that the pension fund investments are worthless, and/or that the vested benefits are under-funded. There are, indeed, risks in public employee defined-benefit pension plans; but, they appear to be far more remote than the risks taken every day by those participating in defined-contribution plans.

In defined-contribution plans (the bulk of pension plans in the privately controlled sector), the financial risk of the employer is limited to providing all or a share of the pension plan contributions and to finding an expert plan administrator and a qualified manager of the plan investments. The primary objective for defined-contribution plans is to achieve as large a pre-retirement capital accumulation as possible within acceptable investment risk parameters. This investment risk falls on the participating employee.

The size of this accumulation is crucial in determining the eventual pension, but it is not the sole factor. The following elements are involved:

- the number of years a participant is in the plan;
- the size of the monthly or annual contribution to the plan; and
- the types of investments purchased by the contributions and their compounded investment return.

In the new environment, multiple investment options exist both in the TIAA-CREF program and in those of its competitors. And the investment or allocation decision must be made by the employee.

Several years ago we studied the accumulation history of TIAA and CREF plans. It became clear that CREF was the better long term accumulation vehicle. In spite of -- some would say, because of -- the greater risk and volatility, dollar cost averaging provided for a larger accumulation of CREF shares over long periods. Other studies have shown consistently that common stocks are the best long-range hedge against inflation when accumulating capital. Over short periods, however, this may not be the case.

As you know, many plan participants are quite risk averse, right from the start, even during the accumulation phase. They prefer fixed income (i.e., TIAA) or bond funds to equity portfolios. Thus, they deliberately choose investments over very long periods that provide them eventually with less retirement capital than if they had chosen something a bit more volatile.

Persons retiring up to and through the 1970's owned relatively small capital accumulations, regardless of how the contributions were invested. Long term salary histories were such that the investment compounding effect worked from a relatively small base. Specifically, we noted that a group of persons with between 35 and 42 years of employment under a TIAA-CREF plan, retiring in the late 1960's had capital accumulations well below $100,000. Persons retiring in the late 1970's began to show accumulations in excess of $100,000.

This stands in sharp contrast to projections made today. Younger faculty members under even modest mean salaries and annual increments can expect very respectable accumulations. For example, if you take a $25,000 starting salary and assume a three percent annual increase, combined with a six percent total return and a 10 percent contribution, you come up with almost $200,000 after 25 years, a little less than $300,000 after 30 years, and in excess of $400,000 after 35 years. If you increase the contribution rate to 12 percent per year, assume an annual salary escalation of 4 percent, a 9.5 percent total return per year (near the average of the stock market) would give you an accumulation capital of more than 1.3 million dollars after 35 years. Today it is quite common to project a million dollars plus capital accumulations for those starting out in a moderately generous defined-contribution plan. Of course, even one million dollars may not be all that generous after inflation.

With so much money at stake, what advice might one give about investment choices? First, one might be prudent to diversify. Second, if one follows the writings on investments and investment return, one could conclude that during the retirement capital accumulation phase, one actually should take a somewhat greater risk, perhaps on a sliding scale as one nears retirement. In contrast, during the retirement phase one might take a slightly less aggressive posture, depending upon the then prevailing annual income requirements. Here are two possible objectives:

DURING ACCUMULATION:	Emphasize maximumization of retirement capital using at least an average investment risk.
DURING RETIREMENT:	Emphasize a combination of investments that produce for you the desired initial retirement income plus some protection against inflation.

Actually, the investment mix for accumulation is far easier to define than that for the retirement phase.

THE RETIREMENT PHASE

In one particular sense, the "retirement phase" begins when you set up a pension plan. As stated earlier, it is then that you decided how much of an annuity the plan should make possible. This is usually done by defining a specific level of salary recovery at "normal" retirement.

In public employee defined-benefit plans, the target retirement income or pension is a function of an average salary level based on full-time salaries during the last years of employment (ranging from 3 to 5 years for most plans) and the number of years of employment under the plan. How well any investment strategy might work to produce the necessary capital is of absolutely no immediate importance to the employee: the specific salary recovery calculated at retirement is guaranteed.

In the TIAA-CREF or other types of defined-contribution plans, salary recovery is a function of three things: the contribution level, investment management results, and the number of years of participation in the plan. We have already referred to the two-thirds of take-home pay rule as a goal for salary recovery. Is this the right answer? Can appropriate investment results be guaranteed? And by how much will this or any other starting level of retirement income shrink or rise as economic events unfold?

Increasingly, the notion that one should undergo a negative income shock at retirement is also coming under attack. Several colleges and universities who have reviewed their pension plans in recent years are beginning to aim higher, and so are knowledgeable employees. A more contemporary goal appears to be to achieve as nearly as possible the pre-retirement pre-tax income level. And thanks to CREF-type variable annuities, in other words equity investments, one can also seek some long term inflation protection.

Equities may be a hedge against inflation over long periods. In the short run, however, volatile markets will bring about pension reductions, sometimes exactly when one cannot afford to see one's income go down. Since it may not be possible to protect a plan completely against inflation, and since it may not be possible to obtain from the pension plan plus Social Security a 100 percent salary replacement in a defined-contribution plan, it is thus logical to recognize the need for a personal savings reserve. It will matter how one invests the accumulation capital during the payout phase.

An aspect of the law that I did not mention earlier concerns the rights of the employee to his or her capital accumulation. Just as in an IRA, your CREF funds, for instance, are yours to withdraw and to roll over into another retirement account, to the extent to which all of your former employers with CREF plans have given permission. In a defined-benefit plan, your right is to the benefit and not to the capital, however. Even before you retire, you may be able to transfer defined-contribution pension fund premiums and capital accumulations among a group of eligible suppliers (insurance companies, mutual funds, or banks). What would you do if you had access to $1,000,000? How would you invest such a sum -- or even larger ones -- during the payout phase?

INFLATION AND RETIREMENT

As we all know, inflation is one of those unpleasant facts of life that will not go away. In higher education, wages and salaries tend to creep up, sometimes with inflation, sometimes ahead of it, or with a lag. We do not often complain about salary and wage increases, except when we feel they are too small. But higher wages and salaries often contribute to more inflation down the line, unless productivity matches or exceeds the increased costs to employers.

How do we counteract inflation in a pension plan?

In defined-benefit plans of the public employee variety, inflation protection occurs when states guarantee some kind of upward adjustment of monthly payouts as the Consumers' Price Index (CPI) rises. A study conducted in 1985 by TIAA-CREF showed that 28 systems covering public colleges and universities contained a CPI-related inflation protection. The U.S. Civil Service Retirement System had full indexing. The 28 systems used a variety of partial indexing where the so-called COLA could not exceed a certain maximum percentage. The adjustment is seldom compounded; this means that it is applied to the original benefit. Percentages ranged from 1.5 to 6 percent, often with a variety of ancillary conditions. Some of these figures may be out of date since some state systems provisions have been changed since that study.

In defined-contribution plans, there are three possibilities for inflation protection of retirement income:

- The first one we have already mentioned. By investing the plan contributions in such a way that the capital grows along with or beyond the rate of inflation, the payout at retirement will be greater than it would have been without such appreciation. If the same investment mix is maintained during retirement, historically similar capital growth should be expected, thus leading in turn to periodic, though not necessarily annual, payout increases.
- The second method is illustrated by TIAA's "graded benefit annuity," whereby the participant accepts a reduced initial payout for a guaranteed annual increase thereafter. This method is suitable for individuals who have other retirement income sources, or who do not need immediately the full payout of the level benefit method.
- The third approach would combine the normal maximum payout at retirement with an institutional inflation supplement which mirrors the public employee plan COLA, if any, or provides full indexing. The problem with this approach is that it raises the pension plan costs to the institution quite dramatically over time. The literature also mentions so-called

> "target-benefit" plans where, throughout the accumulation phase, adjustments are made annually both in the benefit and the contribution rate. Employees like the plans where the employer pays all the contributions, as one should expect. In general, whether from an employer or an employee point of view, this kind of plan is not for the faint-hearted.

If we accept the old maxim that there is no free ride, any sweetening of retirement benefits has its cost. Since institutions normally have limited resources, increases in benefit costs may contribute to smaller budget allocations elsewhere, certainly in the short run, and perhaps for the long pull as well. At a time when higher education is being severely criticized for low productivity growth and fast price escalation, one at least is compelled to look twice before jumping into the more or less open-ended inflation abyss.

TRANSITION INTO RETIREMENT

Now I will discuss a few matters that fall under the headings of "transition to" or "planning for" retirement.

In my last job I was confronted with the mandate to reduce the number of personnel to help meet the governing board's balanced budget target. We discussed with faculty members and other employees a number of incentives that might bring about early and phased retirements. If you want to encourage phased retirement, you almost certainly will have to depart from a policy whereby a fifty percent workload reduction leads to a fifty percent reduction in pay. And if you begin talks about early retirement, the first question that surely comes up is what will happen to medical and other benefits.

While personnel retrenchment may be necessary when budgets must be downsized, the short term cost reductions very often are much smaller than needed after a personnel cutback to reach the budget target because of such considerations. The decade of retrenchment in higher education has taught us many useful lessons in this regard. Of course, some institutions are more ruthless and/or hard pressed than others. By and large we have learned that early and phased retirement are most constructively implemented when they provide for a transition that is in the best interest of the employee. Retiring cold turkey can be traumatic; bowing out gradually has proved to be welcome when the attendant financial cost to the individual was bearable. There exists a highly diverse practice with respect to both phased and early retirement.

I do need to single out post-retirement medical benefits as a key issue, however. Potential medical costs, the near certainty that at some future time they will arise and that they will be expensive, are a rightful and poignant concern. At the same time, they are also a worry for the employer, whose medical component and group experience are seldom improved when a growing cohort of retired personnel, with rising medical incidence, remain in the covered group. Among public employee retirement systems, some offer very generous post-retirement medical benefits, but there has also been a tendency to toughen the reimbursement provisions in this sector. In the private sector, some institutions have always had weak or no post-retirement coverage, while others continue the same benefits right into retirement. Methods of medical premium payments also differ widely, where coverage is available.

Another topic centers on how employees (in conjunction with employers or alone) go about their planning for retirement. Here also, practices vary, from overt rather than benign neglect to formal organization of the planning effort backed by newsletters, regular meetings, and the availability of expert advice. The latter may become more of a factor in the future, in part, because for those with defined-contribution plans, participants may need some assistance with respect to the ongoing investment decisions that cannot be made by the employer. But there are many other planning issues where support groups and professional advice may be appropriate, especially as employees approach their retirement. As one surveys the scene, one must be impressed by the variety and creativity of models available all around us.

PICKING UP THE PIECES

In conclusion, I should like to mention two aspects of the retirement issue which have repeatedly required my attention as chief financial officer. The first had to do with the problems faced by already retired personnel. The second centered on the question of whether or not the existing pension plan was still adequate after changing economic circumstances.

As representatives of groups of employees it would be natural that you would ask from time to time about the economic condition of former colleagues. My long time employer made repeated formal inquiries indicating, on at least two occasions, that a problem existed. Twice we went back and provided supplements to retirees, the last time by establishing a minimum annuity base tied to inflation. It could be argued that institutions have no obligation to employees once they have retired. Quite a few private colleges believed otherwise during the 1960's and 1970's when they discovered that their long time faculty and others were experiencing great economic hardships in spite of what had been touted as generous pension plans. Therefore, I would suggest that, from time to time, institutions should voluntarily, or by employee request, review the economic condition of retirees.

My experience also taught me that an existing pension plan may need revisions from time to time. I was involved in four major revisions. During the more recent ones, it became clear that very few individuals among us had the requisite technical and legal knowledge. Expert external help was needed. Some of this was provided by our plan provider, TIAA-

CREF, and some of it came from independent consultants and from TIAA's competition. I believe that institutions should set formal dates, say every five years or so, for a thorough objective review of its pension plan provisions.

Even more important is the tracking of investment results for defined-contribution plans. Institutions and employee groups jointly must develop formal procedures for evaluating those who manage the huge pension plan investment capital. Endowed colleges and universities in particular are experienced in this kind of supervision; the principles of endowment investment performance evaluation employed by the best managed endowments can and should be applied to pension plan investments. In the for-profit sector of our economy, some of the largest private pension funds are managed externally, as is the case in higher education. And external managers are sometimes fired when they perform poorly over long periods of time. In the new pension plan environment, such scrutiny is most appropriate for all defined-contribution plans, if for no other reason than the evolving sheer size of individual accumulation account balances. One simply does not manage a half million or more dollars the same way one might invest $50,000.

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